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TRANSLATIONS AND REPRINTS

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. VI. FRENCH PHILOSOPHERS OF THE EIGHTEENTH CENTURY. NO. I.

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MONTESQUIEU.

Charles Louis de Secondat, Baron de la Brède et de Montesquieu was born at the chateau of La Brède, ten miles from Bordeaux, in January, 1689. His title of Montesquieu came from his uncle, Jean Baptiste Secondat, who left to his nephew the important office of *president à mortier* in the Parlement of Bordeaux. His early years were studious and uneventful. His parents were in comfortable circumstances and his future assured. In 1713 he was admitted counsellor of the Parlement. In 1716, upon the death of Jean Baptiste, he succeeded to the uncle's name, fortune and judicial position. In 1726 Montesquieu sold the life tenure of his presidency, with reversion to his son; and for the remainder of his life devoted himself to travel and literary work. He died on the 10th of February, 1755.

Montesquieu's chief literary works are the *Lettres Persanes*, a work of the earlier years of his presidency; *Considérations sur les Causes de la Grandeur et la Décadence des Romains*, which appeared anonymously in 1734, at Amsterdam; and the *Esprit des Lois*, his most serious production and the source of his enduring fame, published at Geneva in 1748.

The most important biography of Montesquieu is by Louis Viau (Vie de Montesquieu, 2d ed., Paris, 1879). Cf. Lowell: Eve of the French Revolution, Cap. X. The best edition of Montesquieu's works is by E. Laboulaye, 7 vols., Paris, 1875–79. Cf., in English, The Spirit of the Laws, translated by Thomas Nugent, 2 vols., London, 1878.

*THE PERSIAN LETTERS.**

LETTER XXXVII.

Usbek to Ibben in Smyrna.

The king of France is an old man. We have no instance in our history of a monarch that has reigned so long. They say he possesses to an extraordinary degree the talent of making himself obeyed. He governs with the same ability his family, his court, his state. He has often been heard to say that of all the governments of the world, that of the Turks or that of our own august sultan pleased him most, so greatly he affected the oriental style of politics.

I have made a study of his character, and I find contradictions which I am unable to reconcile: for example, he has a minister who is only eighteen years old, and a mistress who is eighty; he is devoted to religion, and he cannot endure those who say it must be rigorously observed; although he flees the tumult of the city and has intercourse with few, yet he is occupied from morning

* Lettres Persanes de Montesquieu. Ed. L. Thiessé, P. 1834, pp. 85–87.

until night in making himself talked about; he loves trophies and victories, but he is afraid of seeing a good general at the head of his troops, lest he should have cause to fear the chief of a hostile army. He is the only one, I believe, to whom it has ever happened that he was at the same time overwhelmed with more riches than a prince might hope to possess and burdened with a poverty that a private person would be unable to bear.

He loves to gratify those that serve him; but he rewards the efforts, or rather the indolence, of his courtiers more liberally than the arduous campaigns of his captains. Often he prefers a man whose duty it is to disrobe him or hand him his napkin when he seats himself at dinner, to another who takes cities or wins him battles. He believes that the sovereign grandeur ought not to be limited in the distribution of favors; and without investigating as to whether the one upon whom he heaps benefits is a man of merit, he believes that his choice renders him such; so that he has been seen to give a small pension to a man who had run two leagues, and a fine government to another who had run four.

He is magnificent, especially in his buildings. There are more statues in the gardens of his palace than there are citizens in a great city. His guard is as strong as that of the prince before whom all thrones are overturned; his armies are as numerous, his resources are as great and his finances as inexhaustible.

Paris, the 7th of the moon of Maharram, 1713.

*EXTRACTS FROM THE SPIRIT OF LAWS.**

POLITICAL ORGANIZATION DEPENDENT UPON CONDITIONS.

From Book I. Cap. 3.

Besides the law of nations relating to all societies, there is a polity or civil constitution for each particularly considered. No society can subsist without a form of government. *The united strength of individuals*, as Gravina well observes, *constitutes what we call the body politic.*

The general strength may be in the hands of a single person, or of many. Some think that nature having established paternal authority, the most natural government was that of a single person. But the example of paternal authority proves nothing.

*Translated by Thomas Nugent, LL. D. 2 vols. London. G. Bell & Sons, 1878.

For if the power of a father relates to a single government, that of brothers after the death of a father, and that of cousins-german after the decease of brothers refer to a government of many. The political power necessarily comprehends the union of several families.

Better it is to say, that the government most conformable to nature is that which best agrees with the humour and disposition of the people in whose favour it is established.

The strength of individuals cannot be united without a conjunction of all their wills. *The conjunction of those wills*, as Gravina again very justly observes, *is what we call the civil state.*

Law in general is human reason, inasmuch as it governs all the inhabitants of the earth; the political and civil laws of each nation ought to be only the particular cases in which human reason is applied.

They should be adapted in such a manner to the people for whom they are framed, that it should be a great chance if those of one nation suit another.

They should be in relation to the nature and principle of each government; whether they form it, as may be said of politic laws; or whether they support it, as in the case of civil institutions.

They should be in relation to the climate of each country, to the quality of its soil, to its situation and extent, to the principal occupation of the natives, whether husbandmen, huntsmen, or shepherds: they should have relation to the degree of liberty which the constitution will bear; to the religion of the inhabitants, to their inclinations, riches, numbers, commerce, manners and customs. In fine, they have relations to each other, as also to their origin, to the intent of the legislator, and to the order of things on which they are established; in all of which different lights they ought to be considered.

DISTINCTIVE PROPERTIES OF GOVERNMENT.

Book VIII. Cap. 16–20, passim.

It is natural for a republic to have only a small territory; otherwise it cannot long subsist. In an extensive republic there are men of large fortunes, and consequently of less moderation; there are trusts too considerable to be placed in any single subject; he has interests of his own; he soon begins to think that he may be happy and glorious by oppressing his fellow-citizens; and that he may raise himself to grandeur on the ruins of his country.

In an extensive republic the public good is sacrificed to a thousand private views; it is subordinate to exceptions, and depends on accidents. In a small one the interest of the public is more obvious, better understood, and more within the reach of every citizen; abuses have less extent, and, of course, are less protected.

A monarchical state ought to be of moderate extent. Were it small, it would form itself into a republic; were it very large, the nobility, possessed of great estates, far from the eye of the prince, with a private court of their own, and secure, moreover, from sudden executions by the laws and manners of the country—such a nobility, I say, might throw off their allegiance, having nothing to fear from too slow and too distant a government.

A large empire supposes a despotic authority in the person who governs. It is necessary that the quickness of the prince's resolutions should supply the distance of the places they are sent to; that fear should prevent the remissness of the distant governor or magistrate; that the law should be derived from a single person, and should shift continually, according to the accidents which necessarily multiply in a state in proportion to its extent.

A NEW PHYSICAL CAUSE OF THE SLAVERY OF ASIA, AND OF THE LIBERTY OF EUROPE.

Book XVII, Chap. 6.

In Asia they have always had great Empires; in Europe these could never subsist. Asia has larger plains; it is cut out into much more extensive divisions by mountains and seas; and as it lies more to the south, its springs are more easily dried up; the mountains are less covered with snow; and the rivers being not so large, form more contracted barriers.

Power in Asia ought then to be always despotic; for if their slavery was not severe they would soon make a division inconsistent with the nature of the country.

In Europe the natural division forms many nations of a moderate extent, in which the ruling by laws is not incompatible with the maintenance of the state; on the contrary, it is so favorable to it, that without this the state would fall into decay, and become a prey to its neighbors.

It is this which has formed a genius for liberty that renders every part extremely difficult to be subdued and subjected to a

foreign power, otherwise than by the laws and the advantage of commerce.

On the contrary, there reigns in Asia a servile spirit, which they have never been able to shake off, and it is impossible to find in all the histories of that country a single passage that discovers a freedom of spirit; we shall never see anything there but the excess of slavery.

VOLTAIRE.

François Marie Arouet was born in Paris, November 21, 1694. His father was a prosperous notary. Voltaire was sent to the Jesuit school of Louis-le-Grand in 1704 and remained there until 1711. His father desired that he should take up a legal career, but Voltaire's tastes were already inclined towards letters, chiefly through the influence of his god-father, the abbé de Châteauneuf, by whom he was introduced into the fashionable literary set of the metropolis. Voltaire's first literary efforts were dramatic. He early acquired fame, and by the great variety of his talents and his remarkable intellectual industry rose to the position of the foremost man of letters of Europe.

Voltaire's life was never marred or embittered with poverty. He possessed the qualities, rare in the case of literary men, of a successful manager. His aristocratic connections gave him especial opportunities for the investment of his patrimony, and in this manner he acquired a fortune.

Much of Voltaire's life was spent out of France. He was in England from 1726 to 1729, and his English admirers, and critics as well, are fond of the suggestion that from this sojourn he drew the major part of his substantial inspiration. From 1751 until 1753 he was at Berlin, the guest of Frederick the Great. In 1754, believing that his liberal opinions endangered his return to France, he acquired a property near Geneva, at the meeting-place of four national territories. Here at Ferney he remained in epistolary touch with all the leading minds of Europe, and exercised a potent influence for the extension of rational ideas. During this period his tireless efforts in defense of the victims of religious and political tyranny in France constitute the most admirable chapter of his life. In February, 1778, Voltaire visited Paris, in order to be present at the initial performance of a new tragedy, *Irène*, and was received with unbounded enthusiasm. He died on May 30th of the same year.

Voltaire's literary activity was so great that only the briefest account of his works can be given here. It is usual to divide them into groups: dramatic, poetical, romantic, scientific, historical, philosophical and epistolary. Of these, all but the last three groups may remain unnoticed here. The historical group embraces the *Histoire de Charles XII*, *Histoire de l'empire de Russie sous Pierre le Grand*, *Siècle de Louis XIV*, *Siècle de Louis XV*, and the *Essai sur les Moeurs*, a general genetic treatment of

history, and a distinct advance upon what had hitherto been produced. The philosophical group has for its most important work the *Dictionnaire Philosophique*, a series of rationalistic essays, alphabetically arranged, which exhibit Voltaire's critical powers and total lack of modern historical perspective. Voltaire's letters are of great interest, both as showing his mastery of style and his position as intellectual counsellor of Europe. The name of Voltaire was originally assumed for literary purposes, and is of uncertain origin.

Much has been written about Voltaire, but the greater part has no value for the student, bearing as it does the blemish of theological prejudice. The best known biography in French is undoubtedly that of Condorcet (1st ed., Paris, 1787). In later times a sympathetic and at the same time critical essay is that of John Morley. Cf. James Parton's Life of Voltaire. There are many editions of Voltaire's works. The so-called edition of Kehl (70 vols., P. 1785–89) is perhaps as good as any.

*CONCERNING FUNDAMENTAL LAWS.**

B. I have always heard talk of fundamental laws, but is there any such thing?

A. Yes, there is the law of being just; and nothing fundamental was ever more often shaken.

C. I read not long ago one of those very rare bad books, which the curious are always searching for, as naturalists collect fragments of petrified animal and vegetable substances, imagining that in this way they will discover the secret of nature. This book was written by a lawyer of Paris, named Louis Dorleans, who pleaded strongly against Henry IV. before the League, and who fortunately lost his suit. See how this jurisconsult expresses himself concerning the fundamental laws of the kingdom of France. "The fundamental law of the Hebrews was that lepers could not reign: Henry IV. is a heretic, hence he is leprous, hence he cannot be king of France according to the fundamental law of the Church. The law contemplates that a king of France shall be a Christian as well as a male; whoever holds not to the Catholic faith, Apostolic and Roman, is not a Christian and does not believe in God; he may no more be king of France than the greatest jackanapes in the world," etc.

It is very true that at Rome every man who does not believe in the pope is a disbeliever in God; but that is not so absolutely true in the rest of the world; it is necessary to make some little restric-

* Oeuvres complètes de Voltaire. Édition Kehl. Vol. 35, pp. 332–336.

tion: and it seems to me that, taking everything into consideration, Master Louis Dorleans, advocate to the Parlement of Paris, did not reason quite so well as Cicero and Demosthenes.

B. It would please me to see what would become of the fundamental law of the Holy Roman Empire, if some day the electors should take a fancy to choose a Protestant Caesar in that charming city of Frankfort-on-Main.

A. The same thing would happen which has happened already to the fundamental law that fixes the number of electors at seven, because there are seven heavens, and because the candlestick of a Jewish temple had seven branches.

Is it not a fundamental law in France that the domain of the King is inalienable? How is it then that it is almost wholly alienated? You will say that all these foundations are laid upon shifting sand. The laws which they call fundamental laws are, like all others, nothing more than laws of convention, of ancient usage, of ancient prejudice, which change according to the times. Ask the Romans of to-day if they have preserved the fundamental laws of the ancient Roman republic. It was well that the domains of the kings of England, France and Spain should remain attached to the crown when the kings lived as you and I, from the product of their lands; but to-day, when they live exclusively from taxes and imposts, what matters it whether they possess the domains or not? When Francis I. failed in his promise to Charles V., his conqueror, when in this connection he violated his oath to yield up Burgundy to him, he caused it to be represented by his lawyers that the Burgundians were inalienable; but if Charles V. had come to him to make representations to the contrary at the head of a great army, the Burgundians would have been quite alienable.

Franche-Comté, whose fundamental law was to be free under the house of Austria, is attached to-day in an intimate and essential manner to the crown of France. The Swiss once held materially to the empire, and now hold materially to liberty.

It is this liberty which is the fundamental law of all nations; it is the only law against which there is no proscription, because it is the law of nature. The Romans might say to the pope: our fundamental law at the start was to have a king who reigned over a league of country; then it was to elect two consuls, then two tribunes; then our fundamental law was to be devoured by an emperor, then to be devoured by the peoples come from the north,

then to be in a state of anarchy, then to die of hunger under the government of a priest. At length we return to the true fundamental law, which is to be free: go and give elsewhere your indulgences *in articulo mortis*, and go forth from the Capitol, which was not built for you!

B. Amen!

C. You cannot help hoping that the thing will arrive some day. It would be a fine sight for our grandchildren.

A. Would to Heaven that the grandparents might have the pleasure! It is of all revolutions the easiest to bring about; and meanwhile no one thinks of it.

B. It is because, as you have said, the chief characteristic of men is to be sots and poltroons. The Roman rats are not yet knowing enough to bell the cat.

C. Shall we not admit then any fundamental law whatsoever?

A. Liberty embraces all. That the agriculturist should not be vexed by a tyrant's minion; that no citizen should be imprisoned without immediate trial before his natural judges, who shall decide between him and his prosecutor; that no one shall take from a man his meadow or his vineyard, under pretext of the public good, without ample recompense; that they shall seek the people's good, instead of wishing to rule over them in fattening on their substance; that the law, and not caprice shall reign.

C. The human race is ready to endorse all that.

*EXTRACTS FROM THE PHILOSOPHICAL DICTIONARY.**

America.

Since framers of systems are continually conjecturing on the manner in which America can have been peopled, we will be equally constant in saying that He who caused flies to exist in those regions, caused men to exist there also. However pleasant it may be to dispute, it cannot be denied that the Supreme Being who lives in all nature has created, about the forty-eighth degree, two-legged animals without feathers, the colour of whose skin is a mixture of white and carnation, with long beards approaching to red; about the line, in Africa and its islands, negroes without beards; and in the same latitude, other negroes with beards, some of them having wool and some hair on their heads; and among

*London: W. Dugdale, Vol. I., passim.

them other animals quite white, having neither hair nor wool, but a kind of white silk. It does not very clearly appear what should have prevented God from placing on another continent animals of the same species, of a copper colour, in the same latitude in which, in Africa and Asia, they are found black; or even from making them without beards in the very same latitude in which others possess them.

To what lengths are we carried by the rage for system joined with the tyranny of prejudice! We see these animals; it is agreed that God has had the power to place them where they are; yet it is not agreed that He has so placed them. The same persons who readily admit that the beavers of Canada are of Canadian origin, assert that the men must have come there in boats, and that Mexico must have been peopled by some of the descendants of Magog. As well might it be said, that if there be men in the moon, they must have been taken thither by Astolpho on his hippogriff, when he went to fetch Roland's senses which were corked up in a bottle. If America had been discovered in his time, and there had then been men in Europe systematic enough to have advanced, with the Jesuit Lafitan, that the Carribees descended from the inhabitants of Caria, and the Hurons from the Jews, he would have done well to have brought back the bottle containing the wits of these reasoners, which he doubtless would have found in the moon, along with those of Angelica's lover.

The first thing done when an inhabited island is discovered in the Indian Ocean, or in the South Seas, is to enquire "whence came these people?" but as for the trees and the tortoises, they are, without any hesitation, pronounced to be indigenous; as if it was more difficult for Nature to make men than to make tortoises. One thing, however, which tends to countenance this system is, that there is scarcely an Island in the Eastern or the Western Ocean, which does not contain jugglers, quacks, knaves, and fools. This, it is probable, gave rise to the opinion that these animals are of the same race with ourselves.

Dogmas.

We know that all belief taught by the church is a dogma which we must embrace. It is a pity that there are dogmas received by the Latin church and rejected by the Greek. But if unanimity is

wanting, charity replaces it. It is, above all, between hearts that union is required.

I think that we can relate a dream to the purpose, which has already found favor in the estimation of many peaceably disposed persons.

"On the 18th of February, in the year 1763 of the vulgar era, the sun entering the sign of the Fishes, I was transported to Heaven, as all my friends can bear witness. The mare Borac, of Mahomet, was not my steed, neither was the fiery chariot of Elijah my carriage. I was not carried on the elephant of Somonocodom, the Siamese; on the horse of St. George, the patron of England; nor on St. Anthony's pig. I avow with frankness that my journey was made I know not how.

"It will be easily believed that I was dazzled; but it will not so easily be credited that I witnessed the judgment of the dead. And who were the judges? They were—do not be displeased at it—all those who have done good to man. Confucius, Solon, Socrates, Titus, Antoninus, Epictetus, Charron, DeThou, Chancellor de l'Hôpital, and all the great men who, having taught and practised the virtues that God requires, seemed to be the only persons possessing the right of pronouncing His decrees.

"I remarked that every spirit who pleaded his cause, and displayed his specious pretensions, had beside him all the witnesses of his actions. For example, when Cardinal Lorraine boasted of having caused some of his opinions to be adopted by the Council of Trent, and demanded eternal life as the price of his orthodoxy, there immediately appeared around him twenty ladies of the court, all bearing on their foreheads the number of their interviews with the cardinal. I also saw those who had concerted with him the foundations of the infamous league. All the accomplices of his wicked designs surrounded him.

"Over against Cardinal Lorraine was John Calvin, who boasted, in his gross patois, of having trampled upon the papal idol, after others had overthrown it. 'I have written against painting and sculpture,' said he; 'I have made it apparent that good works are of no avail, and I have proved that it is diabolical to dance a minuet. Send away Cardinal Lorraine quickly, and place me by the side of St. Paul.'

"As he spoke there appeared by his side a lighted pile; a dreadful spectre, wearing around his neck a Spanish frill, arose

half burnt from the midst of the flames, with dreadful shrieks. 'Monster,' cried he; 'execrable monster, tremble, recognize that Servetus, whom thou causedst to perish by the most cruel torments, because he had disputed with thee on the manner in which three persons can form one substance.' Then all the judges commanded that Cardinal Lorraine should be thrown into the abyss, but that Calvin should be punished still more rigorously.

"I saw a prodigious crowd of spirits, each of which said, 'I have believed, I have believed!' but on their forehead it was written, 'I have acted,' and they were condemned.

The Jesuit Le Tellier appeared boldly with the bull Unigenitus in his hand. But there suddenly arose at his side a heap, consisting of two thousand *lettres-de-cachet*. A Jansenist set fire to them, and Le Tellier was burnt to a cinder; while the Jansenist, who had no less caballed than the Jesuit, had his share of the flames.

"I saw approach, from right and left, troops of fakirs, talapoins, bonzes and black, white and grey monks, who all imagined that, to make their court to the Supreme Being, they must either sing, scourge themselves, or walk quite naked. 'What good have you done to men?' was the query. A dead silence succeeded to this question. No one dared to answer; and they were all conducted to the mad-house of the universe, the largest buildings imaginable.

"One cried out that he believed in the metamorphosis of Xaca, another in those of Somonocodom. 'Bacchus stopped the sun and moon!' said this one—'The gods resuscitated Pelops!' said the other—'Here is the bull *in coena Domini!*' said a new-comer —and the officer of the court exclaimed, 'To Bedlam, to Bedlam!'

"When all these causes were gone through, I heard this proclamation: 'By the Eternal Creator, Preserver, Rewarder, Revenger, Forgiver, etc., be it known to all the inhabitants of the hundred thousand million of millions of worlds that it hath pleased us to form, that we never judge any sinners in reference to their own shallow ideas, but only as to their actions. Such is our JUSTICE.'

"I own that this was the first time I ever heard such an edict; all those which I had read, on the little grain of dust on which I was born, ended with these words: 'Such is our pleasure.'"

ROUSSEAU.

Jean Jacques Rousseau was born at Geneva, June 28, 1712. His mother died at his birth, and his father, a watchmaker, seems to have contributed little of value to Rousseau's early training. At the age of sixteen we find him wandering aimlessly in Savoy, exposed to the most demoralizing influences. In 1745 he is in Paris, after thirty-three years of unproductive existence. By copying music he obtained here a meagre subsistence, which he chose to share with a maid-servant, Thérèse Lavasseur, with whom he lived during theremainder of his life.

It was at this period that a distinct change came into Rousseau's life; so marked a change, indeed, that from this time forth, instead of a social waif, Rousseau became one of the ablest and most prolific of French writers. The impetus to this change was furnished by the Academy of Dijon, which offered a prize for the best disquisition upon the tendencies of civilization. Rousseau became a competitor for the prize, and won it. The social philosophy evolved in this effort, however new it may have been to Rousseau at the time, became the keynote of his future philosophy. He took his stand against the cultural tendencies of the time, advocating a return to a more natural system. In this way his philosophy became a valuable corrective to the artificial tendencies prevailing in French life since the time of Louis XIV.; and in the same manner his emphasis upon sentiment as opposed to reason had no doubt some value as a counterpoise to the ultra-rationalism of the philosophers. In any event it might be claimed for Rousseau that more than any other writer of modern times he has influenced the social life of his century.

Rousseau's literary success brought him in contact with fashionable and literary society in Paris. He became a social lion, although never a tractable one. His early life was individualistic, and the whole tendency of his mental activity was toward introspection. It is interesting in this connection to compare him with Voltaire. Many of those, indeed, who have dealt with Rousseau, have preferred this comparative method. The two men present a most complete contrast; and although each was thoroughly conscious of the other's ability, there was no bond of sympathy between them, either in their lives or in their works. Voltaire lived his life in comparative luxury; Rousseau was a creature of poverty, but it was a well-ordered poverty, because his fundamental principle of life was, that extensive gratifications are not necessary to a happy life. Rousseau's later years were clouded with mental disorder. He died July 2, 1778.

A certain amount of contempt has been thrown upon Rousseau's character by the publication of his Confessions. This is the inevitable result of a too ingenuous self-analysis. It is not impossible, although no standard exists for such measurement, that Rousseau possessed more than his share of great and petty vices. His whole career gives the impression of the union of great force and weakness; but his political and social philosophy, however little it may have influenced his own life, is nevertheless of great im-

portance, on account of the effect it has produced upon others; which of itself shows that he was most closely in sympathy with the undercurrents of his time.

Rousseau's chief works are *La Nouvelle Héloïse* (1760), the *Contrat Social* (1762) and *Émile* (*de l'Éducation*, 1762). The *Confessions* were published at Geneva in 1782. The best biography of Rousseau in French is that of Saint Marc Girardin (1874), and a good English work, although inferior to his "Voltaire," is by John Morley (2 v. Macmillan, 1891). The best edition of Rousseau's works is that of Musset-Pathay (Paris, 1823). For a bibliography of Rousseau see Bulletin of Boston Public Library, April, 1891; cf. Brunetière, F.: Manual of the Hist. of French Literature (Crowell, 1898) Cap. 3.

EXTRACTS FROM THE SOCIAL CONTRACT.[1]

Since no man has any natural authority over his fellowmen, and since force is not the source of right, conventions remain as the basis of all lawful authority among men.[2]

Now, as men cannot create any new forces, but only combine and direct those that exist, they have no other means of self-preservation than to form by aggregation a sum of forces which may overcome the resistance,[3] to put them in action by a single motive power, and to make them work in concert.

This sum of forces can be produced only by the combination of many; but the strength and freedom of each man being the chief instruments of his preservation, how can he pledge them without injuring himself, and without neglecting the cares which he owes to himself? This difficulty, applied to my subject, may be expressed in these terms.

"To find a form of association which may defend and protect with the whole force of the community the person and property of every associate, and by means of which each, coalescing with all, may nevertheless obey only himself, and remain as free as before." Such is the fundamental problem of which the social contract furnishes the solution.

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If then we set aside what is not of the essence of the social con-

[1] The Social Contract. Tr. by H. J. Tozer, M. A. London. Swan, Sonnenschein & Co., 1895.

[2] Book I, Chapter IV. Slavery.

[3] Resistance to natural obstacles. Rousseau here supposes that man has already progressed to a point where he is no longer able individually to overcome these obstacles.

tract, we shall find that it is reducible to the following terms: "Each of us puts in common his person and his whole power under the supreme direction of the general will, and in return we receive every member as an indivisible part of the whole."[1]

But the body politic or sovereign, deriving its existence only from the contract, can never bind itself, even to others, in anything that derogates from the original act, such as alienation of some portion of itself, or submission to another sovereign. To violate the act by which it exists would be to annihilate itself, and what is nothing produces nothing.[2]

It follows from what precedes, that the general will is always right and always tends to the public advantage; but it does not follow that the resolutions of the people have always the same rectitude. Men always desire their own good, but do not always discern it; the people are never corrupted, though often deceived, and it is only then that they seem to will what is evil.[3]

The public force, then, requires a suitable agent to concentrate it and put it in action according to the directions of the general will, to serve as a means of communication between the state and the sovereign, to effect in some manner in the public person what the union of soul and body effects in a man. This is, in the State, the function of government, improperly confounded with the sovereign of which it is only the minister.

What, then, is the government? An intermediate body established between the subjects and the sovereign for their mutual correspondence, charged with the execution of the laws and with the maintenance of liberty both civil and political.[4]

It is not sufficient that the assembled people should have once fixed the constitution of the state by giving their sanction to a body of laws; it is not sufficient that they should have established a perpetual government, or that they should have once for all provided for the election of magistrates. Besides the extraordinary assemblies which unforeseen events may require, it is necessary that there should be fixed and periodical ones which nothing can abolish or prorogue; so that, on the appointed day, the people are

[1] Book I., Chapter VI. The Social Pact.

[2] Book I., Chapter VII. The Sovereign.

[3] Book II., Chapter III. Whether the General Will can err.

[4] Book III., Chapter I. Government in General.

rightfully convoked by the law, without needing for that purpose any formal summons.[1]

So soon as the people are lawfully assembled as a sovereign body, the whole jurisdiction of the government ceases, the executive power is suspended, and the person of the meanest citizen is as sacred and inviolable as that of the first magistrate, because where the represented are, there is no longer any representative.[2]

These assemblies, which have as their object the maintenance of the social treaty, ought always to be opened with two propositions, which no one should be able to suppress, and which should pass separately by vote. The first: "Whether it pleases the sovereign to maintain the present form of government." The second: "Whether it pleases the people to leave the administration to those at present entrusted with it."

I presuppose here what I believe I have proved, viz., that there is in the State no fundamental law which cannot be revoked, not even this social compact; for if all the citizens assembled in order to break the compact by a solemn agreement, no one can doubt that it could be quite legitimately broken.[3]

EXTRACT FROM EMILE, BOOK III.[4]

The man and the citizen, whichever he may be, has no other property to give to society except himself, all his other property being there without his will; and when a man is rich, either he does not enjoy his wealth, or the public enjoys it also. In the first case he steals from others that of which he deprives himself; and in the second case, he gives them nothing. Thus the whole indebtedness to society remains with him, so long as he pays only with his property. "But," you may say, "my father, in gaining this property, served society." Very well, then; he has paid his own debt, but not yours. You owe more to others than if you had been born without property; because you were favored at birth. It is not just that what one man has done for society should discharge the obligation of another; because each,

[1] Book III., Chapter XIII. How the Sovereign Authority is maintained.

[2] Book III., Chapter XIV. How the Sovereign Authority is maintained, continued.

[3] Book III., Chapter XVIII., means of preventing usurpations of the government.

[4] Œuvres complètes de J. J. Rousseau. Ed. Musset-Pathăy. Paris, 1823.

owing his entire self, can pay only for himself, and no father can transmit to his son the right of being useless to his kind; yet it is just that which he does, according to you, when he transmits to him his wealth, which is the evidence and the reward of labor. He who eats in idleness that which he himself has not earned, steals it; and a capitalist whom the state pays for doing nothing differs little in my eyes from a brigand, who lives at the expense of passers-by. Outside of society, an isolated man, owing nothing to any one, has a right to live as it pleases him: but in society, where he necessarily lives at the expense of others, he owes them in labor the price of his maintenance; there is no exception to this rule. To work is then an indispensable duty to the social man. Rich or poor, powerful or weak, every idle citizen is a rogue.

Now of all occupations which can furnish subsistence to man, that which most nearly approaches to the state of nature is manual labor; of all conditions the most independent of chance and of men is that of the artisan. The artisan depends only upon his labor; he is as free as the husbandman is enslaved; for the latter is dependent upon his field, whose crop is at the discretion of others. The enemy, the prince, a powerful neighbor, a suit at law may take from him his field; through this field they may harass him in a thousand ways. But wherever they wish to harass the artisan, his luggage is soon packed; he goes, taking his strong arms with him. Nevertheless agriculture is the first of human employments; it is the most honest, the most useful, and consequently the noblest that he can practice. I do not say to Emile: "Learn agriculture;" he knows it. All forms of rustic labor are familiar to him; he began with them, and to them he is ever returning. I say to him then: "Cultivate the heritage of your fathers. But if you lose this heritage, or if you have none, what will you do? Learn a trade."

"A trade for my son! My son an artisan! My dear sir, are you serious?" More serious than you, madam, who would make it impossible for him to be other than a lord, a marquis, a prince, and perhaps some day less than nothing; as for me, I wish to give him a position that he cannot lose, a position that will honor him at all times. I wish to elevate him to man's estate, and whatever you may say, he will have fewer equals with this title than with all those which he may derive from you.

The letter kills and the spirit makes alive. It is a matter of learning a trade less for the purpose of knowing a trade than to overcome the prejudices which tend to treat it with contempt. You think that you will never be reduced to work for a living. Ah! so much the worse—so much the worse for you! But never mind, do not work from necessity, work for glory. Lower yourself to the splendor of the artisan in order to be above your own. In order to put fortune and things under your control, begin by making yourself independent of them. In order to rule by opinion, commence by ruling over it.

Remember that it is by no means an accomplishment that I ask of you; it is a trade, a true trade, a purely mechanical art, where the hands work more than the head, which does not lead to fortune, but with which one can be independent of it. In families far above the danger of wanting bread, I have seen fathers push foresight to the point of joining to the labor of instructing their children that of providing them with a knowledge with which, in any event, they might gain their living. These provident fathers believe they are accomplishing much; but they are doing nothing, because the resources which they believe they are providing for their children depend upon the very fortune which they desire to make themselves independent of. So that with all these fine accomplishments, unless he who possesses them finds himself in circumstances favorable for their employment, he will perish as if he had none of them.

Since it is a question of management and intrigue, it is as necessary to employ these means to maintain yourself in abundance as to regain, from the depths of misery, the means of re-ascending to your former estate. If you cultivate the arts whose success depends upon the reputation of the artist, if you turn your attention to those employments which are obtained only by favor, of what use will it all be to you, when, rightly disgusted with the world, you disdain the means without which you cannot hope to succeed? You have studied diplomacy and the interests of princes? Good; but what will you do with this knowledge, unless you know how to conciliate the ministers, the ladies of the court, the heads of the bureaus; unless you possess the secret of pleasing them; unless all find in you the rascal that suits their purposes? You are an architect or painter? Good; but it is necessary that you should make your talent known. Do you expect to go

straightway and exhibit your work at the salon? Alas! that doesn't happen so easily! It is necessary to be in the Academy; it is necessary to be a favorite in order to obtain even a dark corner of the wall. Give up your model and your brush, take a cab and go from door to door; it is in this way that you will acquire celebrity. But you ought to know that all these illustrious doors have Swiss or porters who understand only by motions, and whose ears are in their hands. Do you wish to impart what you have learned, and become a teacher of geography, or mathematics, or languages, or music, or drawing? For that it is necessary to find pupils, and consequently somebody to recommend you. Remember, it contributes more toward success to be plausible than to be able, and that, if you know no trade but your own, you will never be anything but a dunce.

See then how little solidity all these brilliant resources possess, and how many other resources are necessary in order to derive any advantage from them. And then, what will become of you in this cowardly abasement? Reverses, instead of instructing you, debase you. More than ever the creature of public opinion, how will you elevate yourself above those prejudices, arbiters of your lot? How will you despise baseness and the vices of which you have need for your subsistence? You were dependent only on wealth, and now you are dependent on wealth; you have only deepened your slavery and surcharged it with your poverty. You are poor without becoming free; it is the worst state into which a man can fall.

But instead of resorting for a livelihood to those high knowledges which are made for nourishing the soul and not the body, if you resort, in time of need, to your hands and the use which you know how to make of them, all difficulties vanish, all artifices become useless. Your resources are always ready at the moment their use is required; probity and honor are no longer an obstacle to living; you have no need to be a coward and a liar before the great, to bend and cringe before rascals, a vile pander to all the world, a borrower or a thief, which are almost the same thing when one has nothing. The opinion of others concerns you not; you have your court to make to no one, no fool to flatter, no Swiss to knuckle to, no courtier to fee, or what is worse, to worship. That rogues manage the affairs of the great is of no consequence to you. That does not prevent you in your obscure life from

being an honest man and having bread. You enter the first shop whose trade you have learned: "Master, I need work." "Journeyman, go there and get to work." Before the dinner hour arrives you have earned your dinner. If you are diligent and sober, before eight hours have passed you will have wherewith to live eight hours more. You will have lived free, sound, true, industrious and just. To gain it thus is not to lose one's time.

DIDEROT.

Denis Diderot was born at Langres in 1713. He was educated in a Jesuit school, but displayed at an early age a fondness for general literary work, thereby alienating the sympathy and support of his father, who desired that he should take up law or medicine. Diderot was drawn to Paris as the centre of French intellectual life, and his existence there, throughout the whole of his career, was that of a literary hack. That which raises his personality above the level of the commonplace is his connection with the Encyclopædia and his heroic persistence in this enterprise, in the face of all discouragement. It is as the organizer and director of the greatest literary work of the century, rather than as a writer, that Diderot justifies his claim to distinction. Yet there is no doubt that Diderot made large contributions to the philosophy of his time which were incorporated in the literary productions of his contemporaries. He was a fluent talker, and we have the testimony of his friends and associates that it was he who furnished the themes for discussion, when the philosophic group assembled about the tables of Helvetius and Holbach. The monotony of Diderot's life was broken with a journey to Russia in 1713, whither he went upon the invitation of the Empress Catherine. He died in July, 1784.

Few of Diderot's works deserve especial mention. The greater part of his activity was centred upon the Encyclopædia, where his articles, so laboriously prepared, have rather a didactic than a literary value. His *Lettre sur les Aveugles* (London, 1749), is of interest as dimly shadowing forth the theory of the survival of the fittest. Like most men of letters of his time, his work extends into all fields of literature. A dramatic piece, *Le neveu de Rameau*, was thought worthy of translation by Goethe. The best biographical treatment is by John Morley: "Diderot and the Encyclopædists" (2 vols., Macmillan, 1891). The most complete edition of Diderot's works is that of Assezat and Tourneur (20 vols., Paris, 1875–77).

*THE PHILOSOPHER.**

THERE is nothing which costs less to acquire nowadays than the name of *Philosopher;* an obscure and retired life, some out-

* *From the Encyclopedia.*

ward signs of wisdom, with a little reading, suffice to attach this name to persons who enjoy the honor without meriting it.

Others in whom freedom of thought takes the place of reasoning, regard themselves as the only true philosophers, because they have dared to overturn the consecrated limits placed by religion, and have broken the fetters which faith laid upon their reason. Proud of having gotten rid of the prejudices of education, in the matter of religion, they look upon others with scorn as feeble souls, servile and pusillanimous spirits, who allow themselves to be frightened by the consequences to which irreligion leads, and who, not daring to emerge for an instant from the circle of established verities, nor to proceed along unaccustomed paths, sink to sleep under the yoke of superstition. But one ought to have a more adequate idea of the philosopher, and here is the character which we give him:

Other men make up their minds to act without thinking, nor are they conscious of the causes which move them, not even knowing that such exist. The philosopher, on the contrary, distinguishes the causes to what extent he may, and often anticipates them, and knowingly surrenders himself to them. In this manner he avoids objects that may cause him sensations that are not conducive to his well being or his rational existence, and seeks those which may excite in him affections agreeable with the state in which he finds himself. Reason is in the estimation of the philosopher what grace is to the Christian. Grace determines the Christian's action; reason the philosopher's.

Other men are carried away by their passions, so that the acts which they produce do not proceed from reflection. These are the men who move in darkness; while the philosopher, even in his passions, moves only after reflection. He marches at night, but a torch goes on ahead.

The philosopher forms his principles upon an infinity of individual observations. The people adopt the principle without a thought of the observations which have produced it, believing that the maxim exists, so to speak, of itself; but the philosopher takes the maxim at its source, he examines its origin, he knows its real value, and only makes use of it, if it seems to him satisfactory.

Truth is not for the philosopher a mistress who vitiates his imagination, and whom he believes to find everywhere. He con-

tents himself with being able to discover it wherever he may chance to find it. He does not confound it with its semblance; but takes for true that which is true, for false that which is false, for doubtful that which is doubtful, and for probable that which is only probable. He does more—and this is the great perfection of philosophy; that when he has no real grounds for passing judgment, he knows how to remain undetermined.

The world is full of persons of understanding, even of much understanding, who always pass judgment. They are guessing always, because it is guessing to pass judgment without knowing when one has proper grounds for judgment. They misjudge of the capacity of the human mind; they believe it is possible to know everything, and so they are ashamed not to be prepared to pass judgment, and they imagine that understanding consists in passing judgment. The philosopher believes that it consists in judging well: he is better pleased with himself when he has suspended the faculty of determining, than if he had determined before having acquired proper grounds for his decision.

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The philosophic spirit is then a spirit of observation and of exactness, which refers everything to its true principles; but it is not the understanding alone which the philosopher cultivates; he carries further his attention and his labors.

Man is not a monster, made to live only at the bottom of the sea or in the depths of the forest; the very necessities of his life render intercourse with others necessary; and in whatsoever state we find him, his needs and his well-being lead him to live in society. To that reason demands of him that he should know, that he should study and that he should labor to acquire social qualities.

Our philosopher does not believe himself an exile in the world; he does not believe himself in the enemy's country; he wishes to enjoy, like a wise economist, the goods that nature offers him; he wishes to find his pleasure with others; and in order to find it, it is necessary to assist in producing it; so he seeks to harmonize with those with whom chance or his choice has determined he shall live; and he finds at the same time that which suits him: he is an honest man who wishes to please and render himself useful.

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The philosopher is then an honest man, actuated in everything by reason, one who joins to the spirit of reflection and of accuracy the manners and qualities of society.

With this idea in mind, it is easy to see what gulf divides the wise insensibility of the stoics from the ideal of our philosopher. Such a philosopher is a man, and their sage is no more than a phantom. They blush before humanity, and glory in the fact; they foolishly wish to annihilate the passions and to elevate us above our nature by a chimerical insensibility. As for our philosopher, he pretends to no empty honor in the destruction of his passions, because that is impossible; but he seeks to escape their tyranny, to turn them to his profit, to make a reasonable use of them, because that is possible, and reason so ordains.

The philosophic spirit is a gift of nature, perfected by effort, art and usage, for judging sanely of all things. When one possesses in an exceptional degree this spirit, it produces a marvelous intelligence, a force of reasoning, an accurate and reflective taste in that which there is of good and bad in the world; it is the criterion of the true and beautiful. There is nothing estimable in the various works that issue from the hands of man that is not animated with this spirit. On it depends, in an especial measure, the glory of literature; but since it is the portion of very few among the learned, and it is neither possible nor necessary for the success of letters that a talent so rare should be found in all those who cultivate this art, it is sufficient for a nation that certain great spirits shall possess it to an eminent degree, and that the superiority of their judgment shall render them arbiters of taste, oracles of criticism, dispensers of literary glory.

D'ALEMBERT.

Jean le Rond d'Alembert was born in Paris in 1717. He was a foundling, but it afterwards became known that he was the illegitimate son of persons of some social standing. The child was entrusted to the care of a glazier's wife, who brought him up with great kindness. The name of Jean le Rond was taken from the church near which he was found, and "d'Alembert" was added later by himself. His father settled upon him an annuity of 1,200 francs, which afforded him the advantages of a good education and placed him beyond the necessities of intellectual drudgery.

Although d'Alembert made some efforts in the direction of both law and medicine, his natural tastes were so strongly inclined toward mathematics

that this science became the distinguishing work of his career. In 1741 he was made a member of the Academy of Sciences, as a result of his paper on Integral Calculus. D'Alembert's association with Diderot widened the sphere of his labors. His *Discours préliminaire*, or introduction to the Encyclopædia, a review of scientific progress to his time, was read before the Academy of Sciences. This and other scientific productions extended d'Alembert's fame, so that he received tempting offers from Frederick the Great and from Catharine of Russia to make his residence abroad. He preferred, however, to remain in Paris, and for forty years lived quietly at the house of his foster-mother. He died October 29, 1783.

The best edition of d'Alembert's works is that of Didot (5 vols., Paris, 1821). For d'Alembert's life see J. Bertrand: *Les grands écrivains françaises* (P. 1889).

*FRIARS OF LA CHARITÈ.**

This is the name of a religious order, founded in the sixteenth century, devoted exclusively to the care of the sick poor. These religious, and in general all orders which have a similar aim, are without question the most respectable of all, the most worthy of being protected by the government, and of enjoying public consideration, since they are valuable to society on account of their services, and at the same time valuable to religion by their example. Would it be going too far to contend that this occupation is the only one suitable for religious orders? In fact, to what other labor can they apply themselves? To perform the functions of the evangelical ministry? But the secular priests, destined by their very estate to this ministry, are already only too numerous, and for the best of reasons ought to be better adapted for this function than the monks. They are in a better position to know the vices and the needs of men; they have fewer masters, less of corporate prejudice, less communal interests and party spirit. Will you apply the religious to the instruction of youth? But these same corporate prejudices, these same communal and party interests, must they not cause us to fear that the education which they give would be dangerous, or at least puerile; that sometimes they would serve the religious as a means of controlling, or as an instrument for their ambition; in which case they would be more harmful than necessary? Shall the monks occupy themselves in writing? But in what class of writing? History? The soul of history is truth; and men, so burdened with restraints, must be

* L'Esprit de l'Encyclopédie, Paris, 1798. Vol. V., pp. 15–16.

almost always ill at ease in telling it; often reduced to silence, and sometimes forced to disguise the truth. Shall they devote themselves to eloquence and Latin poetry? Latin is a dead language, which no modern is in a condition to write, and we have enough of this class of literature, of Cicero, of Virgil, of Homer, of Tacitus and of others. To matters of taste? These matters, in order to be treated successfully, demand intercourse with the world, an intercourse forbidden to monks. To philosophy? That demands liberty, and the religious have none of it. To the pure sciences, such as geometry, physics, etc.? They demand a singleness of mind, and consequently can be cultivated but feebly by persons vowed to religious exercises. Therefore the men of first rank in this class, the Boyles, the Descartes, the Vietes, the Newtons, etc., have not come out of cloisters. There remain the matters of research; these are such as the sedentary life of the religious adapts them for; they demand less application, and suffer distractions more easily. These occupations are the ones in which the religious may meet with greater success, where, in fact, they have been more successful; although greatly inferior, for the purposes of the religious, to the relief of suffering and to manual labor, they are at least more useful than the life of those recluses who are absolutely lost to society. It is true that these latter religious appear to be following the great precept of the Scriptures, which commands us to abandon, for God, our father, our mother, our family, our friends and our possessions. But if it be necessary to take these words literally, whether as precept or as counsel, each man would be obliged, or at least would do well to conform to them; and in that case what would become of the human race? The sense of this passage is merely that we ought to love and honor the Supreme Being above all other things; and the most substantial manner of honoring him is by rendering ourselves as useful as possible to the society in which he has placed us.

HOLBACH.

Paul Heinrich Dietrich, baron d'Holbach, was born at Heidelsheim in the palatinate in 1723. Little is known of his early years. He was possessed of extensive means and his fame is largely due to the fact that he kept open house for the philosophical coterie. The most famous men of the time were to be found about his table. He died in 1789.

His important contribution to rationalistic literature is the *Système de la*

Nature. It is to be regarded as a summing up of the extreme thought of the philosophic circle rather than the personal production of Holbach himself. His independent position permitted him to constitute himself the medium of this expression, and risk the adverse verdict of society at large, and the persecutions of the priestly and official classes. The *Système de la Nature* (1770) has several points of interest: it shows, in the first place, how at this time the social pressure, which ordinarily prevents this ever-present substratum of thought from rising to the surface, had been partially removed, and an unusual liberty of expression accorded; it is again of interest as the armory whence so many men in later times have taken their weapons against religion. This work, together with the *de l'Esprit* of Helvetius, were on the whole, a serious injury to the more moderate members of the philosophic group.

For an account of Holbach and Helvetius see Morley's *Diderot, op. cit.* Cf. Lowell: *op. cit.*, Cap. XVII.

*EXTRACTS FROM THE SYSTEM OF NATURE.**

EVILS OF CONSERVATISM.

MAN'S ignorance has endured so long, he has taken such slow, irresolute steps to ameliorate his condition, only because he has neglected to study nature, to scrutinize her laws, to search out her resources, to discover her properties. His sluggishness finds its account in permitting himself to be guided by precedent, rather than to follow experience which demands activity; to be led by routine, rather than by his reason which exacts reflection. Hence may be traced the aversion man betrays for everything that swerves from these rules to which he has been accustomed; hence his stupid, his scrupulous respect for antiquity, for the most silly, the most absurd institutions of his fathers; hence those fears that seize him, when the most advantageous changes are proposed to him, or the most probable attempts are made to better his condition. He dreads to examine, because he has been taught to hold it a profanation of something immediately connected with his welfare; he credulously believes the interested advice, and spurns at those who wish to show him the danger of the road he is traveling.

This is the reason why nations linger on in the most scandalous lethargy, groaning under abuses transmitted from century to century, trembling at the very idea of that which alone can remedy their misfortunes.

* The System of Nature, or Laws of the Moral and Physical World, by Baron d'Holbach. Tr. by H. D. Robinson, N. Y., 1836.

THE "SOUL."

The more man reflects, the more he will be convinced that the soul, very far from being distinguished from the body, is only the body itself considered relatively to some of its functions, or to some of the modes of existing or acting of which it is susceptible whilst it enjoys life. Thus, the soul in man is considered relatively to the faculty he has of feeling, of thinking, and of acting in a mode resulting from his peculiar nature; that is to say, from his properties, from his particular organization, from the modifications, whether durable or transitory, which the beings who act upon him cause his machine to undergo.

* * * * * * * *

An organized being may be compared to a clock, which, once broken, is no longer suitable to the use for which it was designed. To say that the soul shall feel, shall think, shall enjoy, shall suffer after the death of the body, is to pretend that a clock, shivered into a thousand pieces, will continue to strike the hour and have the faculty of marking the progress of time. Those who say that the soul of man is able to subsist notwithstanding the destruction of the body, evidently support the position that the modification of a body will be enabled to conserve itself after the subject is destroyed; but this is completely absurd.

THE ANALYSIS OF VIRTUE.

Thus *virtue* is everything that is truly and constantly useful to the individuals of the human race living together in society; *vice*, everything that is injurious to them. The greatest virtues are those that procure for man the most durable and solid advantages; the greatest vices are those that most disturb his tendency to happiness, and which most interrupt the necessary order of society. The virtuous man is he whose actions tend uniformly to the welfare of his fellow creatures. The vicious man is he whose conduct tends to the misery of those with whom he lives; from whence his own peculiar misery most commonly results. Everything that procures for man a true and permanent happiness, is reasonable; everything that disturbs his individual felicity, or that of the beings necessary to his happiness, is foolish or unreasonable. The man who injures others is wicked—the man who injures himself is an imprudent being, who neither has a knowledge of reason, of his own peculiar interests, nor of truth.

TURGOT.

Anne Robert Jacques Turgot, Marquis de l'Aulne, was born in Paris, May 10, 1727. His family was distinguished in municipal life, his father having held the office of *prévôt des marchands.* He was educated for the priesthood, but in 1751 determined from motives of conscience to enter another profession. Having taken up the study of law, he was appointed in 1752 to a position in the office of the *procureur général.* 1753, he became a *maître des requêtes.* His associations were at this time largely with the radicals of the philosophic group and with the economists, Quesnay and Gournay. In 1761 he was made intendant of the *généralité* of Limoges. His administration of this territory was marked with success, and secured his promotion to the king's ministry on the succession of Louis XVI. After a brief term as minister of marine, he was made finance minister July 19, 1774. Here he undertook that series of reforms which constitute the chief interest of the reign of Louis XVI. It was his misfortune that he was forced to rely upon a king who was no hero; that he had to encounter the opposition of the queen and her party; and that he felt it necessary to convulse society with the almost simultaneous application of a series of reforms that drew down upon him the combined resistance of all vested rights. Turgot received his dismissal May 12, 1776. The remainder of his life was devoted to his favorite studies. He died in Paris, March 18, 1781.

Turgot's works were almost wholly upon subjects connected with administration. He was a contributor to the Encyclopædia. His most important work, on which his reputation as an economist chiefly rests, is the *Réflexions sur la Formation et la Distribution des Richesses* (1766, trans. Lond., 1793). A complete edition of his works is that of Dupont (9 vols., P. 1801–11). For life, etc., see W. W. Stephens: The Life and Writings of Turgot, London, 1895. Cf. Morley, Critical Miscellanies, 2d Series, 1877.

*EXTRACT FROM MEMORIAL TO THE KING ON MUNICIPALITIES, 1775.**

SIRE,—In order to judge whether it be expedient to establish municipalities in France in the cantons where they do not exist, and whether we should improve or should modify those that already exist, and how we should constitute those which we may believe to be necessary, there is no need for us to go back to the origin of municipal administrations, to make an historical relation of the vicissitudes which they have undergone, nor even to enter with much detail on the different forms they assume to-day. We have been too much in the habit, when dealing with seriously

* W. W. Stephens: The Life and Writings of Turgot. London, 1895, pp. 265–268.

urgent questions, of deciding what is to be done by the examination into, and by the example of, what our ancestors have done in times which we ourselves confess to have been times of ignorance and barbarism. This method is only fit to lead justice astray—through the multiplicity of facts presented to us as authorities. It tends to disgust rulers with their most important functions when they are told that in order to acquit themselves with effect and with honor it is necessary to be prodigiously learned. All that is necessary is to thoroughly understand and to correctly weigh the rights and the interests of men. These rights and these interests are not very numerous, so that the science which embraces them, being founded on the principles of justice which every one of us carries in his heart, has a great degree of certitude without having any great complexity. It does not exact a very deep study, and is not beyond the powers of any straightforward man.

The rights of men gathered in society are not founded on their history as men, but in their nature. There can be no reason to perpetuate establishments which were made without reason. The Kings, your Majesty's predecessors, pronounced, in the circumstances in which they found themselves, laws which they judged to be expedient. They were sometimes wrong. They were often led by the ignorance of their age, and still oftener their views were obstructed by the very powerful self-interests of parties whom they were not strong enough to conquer, and with whom they judged it wiser to compromise. There is nothing in that to subject you to retain the ordinances your ancestors made or the institutions they supported, when you come to recognize that a change is now just, useful and possible. None of your courts, the most accustomed to make complaints, would venture to contest your Majesty's right, in order to reform abuses, to a legislative power as extensive as that of the princes who created or permitted the abuses we now deplore. The greatest of all powers is a pure and enlightened mind in those to whom Providence has entrusted authority, shown in their governing for the good of all. So long as your majesty does not stray beyond the lines of justice, you may regard yourself as an absolute legislator, and may depend on your well-affected subjects for the execution of your decrees.

Your nation is large, it is necessary to have some confidence in

the means of well governing it, and for this end it is necessary to know its situation, its needs, its possibilities, and these even in some detail. This will be much more useful than the history of past positions. But it is a knowledge to which your majesty cannot hope to arrive in the present state of things, a knowledge which your ministers cannot furnish, or the intendants themselves, and which the sub-delegates appointed by the intendants can gather only very imperfectly, owing to the limited duties confided to their care. Hence arise in the assessment and division of the taxes, in the means of levying them and in the administration connected with them, an infinity of errors which excite as many murmurs, and which, bearing most upon the lower classes of people, contribute so effectively to keep their condition unhappy. * * *

The cause of this evil, Sire, lies in the fact that your nation has no constitution. It is a society composed of different orders ill-united, and of a people, the members of which have between them very few social ties, where consequently each is concerned almost exclusively with his own private interest, since there is no opportunity for any one to fulfil his social duties, or even to know what his relations are to his fellow-citizens; so that in this continual war of individual pretensions and violations, reason and enlightenment bearing upon the circumstances have no regulating effect. Your Majesty is obliged to decide everything by yourself or by your mandatories. The issue of your special orders is waited for before the public good can be served, before the rights of others can be respected, sometimes even before one's own rights can be exercised; you are compelled to decree upon everything (and very often through private importunities), while you would govern as God does, by general laws, if the integrant parts of your empire had a regular organization and had recognized connections.

Your kingdom is composed of provinces; these provinces of cantons or of *arrondissements*, which are named, according to the provinces, *bailliages*, *élections*, *sénéchausseés*, or some such other name. These *arrondissements* are formed of a certain number of villages and towns. These towns and villages are inhabited by families. These families are composed of individuals who have many duties to fulfil towards each other and towards society, duties founded on the benefits which they have received in the

past from these others, and which they every day continue to receive. But the individuals are very ill-instructed upon the duties in the family, and they are not instructed at all upon the duties that bind them to the State. The families themselves scarcely know that they belong to the State of which they form a part; they are ignorant by what title. They regard the exercise of authority in requiring contributions to serve to maintain public order as merely the law of the stronger party, to which there is no other reason to yield than the powerlessness to resist it, and which one ought to elude whenever the means can be found. Hence, every one seeks to deceive you and to escape his social obligations. His income is concealed, and can be discovered very imperfectly by a sort of inquisition, in which, we might say, your Majesty is at war with your own people, and in this kind of war no one has any interest in taking part with the government; the man doing so would be regarded with an evil eye. There is no public spirit, because there is no point of common interest visible and recognized. The villages and the towns, the members of which are thus disunited, have no connection between themselves in the *arrondissements* to which they are attributed. They cannot come to an arrangement for any of the public works which are necessary. The different districts are in the same case, and the provinces themselves find themselves in the same position towards the kingdom.

In order to dissipate the spirit of disunion (by which the work of your administrators and of your majesty is ten times multiplied, and which necessarily and increasingly diminishes your power), in order to substitute for it a spirit of order and of union, by which the strength and the resources of your nation may concur towards the common good, we must devise a plan which shall link, one to the other, all the parts of the kingdom by an education which we must see to be nowhere neglected by a common interest made clearly evident. The individuals must be attached to their families; the families to the village or town to which they belong; the towns and the villages to the *arrondissement* in which they are comprised; the *arrondissements* to the provinces of which they form a part; finally, the provinces to the state.

SIEYÈS.

Emmanuel Joseph Sieyès was born at Fréjus, May 3, 1748. He was educated at a Jesuit school, became a licentiate of the canon law and was appointed vicar-general by the bishop of Chartres. He first came into prominence with the publication of his pamphlet, entitled "*Qu'est ce que le thiers état?*" In 1789 he was elected delegate to the states-general from Paris, and in the preliminary struggle for organization was made spokesman of the third estate. The policy indicated in his pamphlet was that which was actually carried out in the conservative period of the Revolution. As the Revolution progressed Sieyès dropped out of sight, and had the good fortune to escape destruction. When asked, at a later period, what he had done during the Terror, he summed up his whole experience in the words: "I existed." In 1795 he again came forward, and was appointed member of a commission to draft a new constitution. His views did not obtain prominence in the constitution of 1795, and he refused to accept a position in the directory of the new government.

Sieyès took part with Napoleon in the *coup d'état* of the 18th Brumaire, and made one of the provisional consulate with Napoleon and Ducos. Later on he was made a count of the Empire and given extensive estates as a reward for his services to France. This marks Sieyès' final retirement from public life. He fled to Brussels on the second return of the Bourbons; returned after the revolution of 1830, and died in Paris, June 20, 1836.

*EXTRACT FROM "WHAT IS THE THIRD-ESTATE?"**

What is necessary that a nation should subsist and prosper? Individual effort and public functions.

All individual efforts may be included in four classes: 1. Since the earth and the waters furnish crude products for the needs of man, the first class, in logical sequence, will be that of all families which devote themselves to agricultural labor. 2. Between the first sale of products and their consumption or use, a new manipulation, more or less repeated, adds to these products a second value more or less composite. In this manner human industry succeeds in perfecting the gifts of nature, and the crude product increases two-fold, ten-fold, one hundred-fold in value. Such are the efforts of the second class. 3. Between production and consumption, as well as between the various stages of production, a group of intermediary agents establish themselves, useful both to producers and consumers; these are the merchants and brokers: the brokers who, comparing incessantly the de-

* Qu'est-ce que le Thiers-État? par Sieyès. Paris, 1839, pp. 33–41.

mands of time and place, speculate upon the profit of retention and transportation; merchants who are charged with distribution, in the last analysis, either at wholesale or at retail. This species of utility characterizes the third class. 4. Outside of these three classes of productive and useful citizens, who are occupied with real objects of consumption and use, there is also need in a society of a series of efforts and pains, whose objects are directly useful or agreeable to the individual. This fourth class embraces all those who stand between the most distinguished and liberal professions and the less esteemed services of domestics.

Such are the efforts which sustain society. Who puts them forth? The Third Estate.

Public functions may be classified equally well, in the present state of affairs, under four recognized heads; the sword, the robe, the church and the administration. It would be superfluous to take them up one by one, for the purpose of showing that everywhere the Third Estate attends to nineteen-twentieths of them, with this distinction; that it is laden with all that which is really painful, with all the burdens which the privileged classes refuse to carry. Do we give the Third Estate credit for this? That this might come about, it would be necessary that the Third Estate should refuse to fill these places, or that it should be less ready to exercise their functions. The facts are well known. Meanwhile they have dared to impose a prohibition upon the order of the Third Estate. They have said to it: "Whatever may be your services, whatever may be your abilities, you shall go thus far; you may not pass beyond!" Certain rare exceptions, properly regarded, are but a mockery, and the terms which are indulged in on such occasions, one insult the more.

If this exclusion is a social crime against the Third Estate; if it is a veritable act of hostility, could it perhaps be said that it is useful to the public weal? Alas! who is ignorant of the effects of monopoly? If it discourages those whom it rejects, is it not well known that it tends to render less able those whom it favors? Is it not understood that every employment from which free competition is removed, becomes dearer and less effective?

In setting aside any function whatsoever to serve as an appanage for a distinct class among citizens, is it not to be observed that it is no longer the man alone who does the work that it is necessary to reward, but all the unemployed mem-

bers of that same caste, and also the entire families of those who are employed as well as those who are not? Is it not to be remarked that since the government has become the patrimony of a particular class, it has been distended beyond all measure; places have been created, not on account of the necessities of the governed, but in the interests of the governing, etc., etc.? Has not attention been called to the fact that this order of things, which is basely and—I even presume to say—beastly respectable with us, when we find it in reading the History of Ancient Egypt or the accounts of Voyages to the Indies,* is despicable, monstrous, destructive of all industry, the enemy of social progress; above all degrading to the human race in general, and particularly intolerable to Europeans, etc., etc.? But I must leave these considerations, which, if they increase the importance of the subject and throw light upon it, perhaps, along with the new light, slacken our progress.

It suffices here to have made it clear that the pretended utility of a privileged order for the public service is nothing more than a chimera; that with it all that which is burdensome in this service is performed by the Third Estate; that without it the superior places would be infinitely better filled; that they naturally ought to be the lot and the recompense of ability and recognized services, and that if privileged persons have come to usurp all the lucrative and honorable posts, it is a hateful injustice to the rank and file of citizens and at the same time a treason to the public weal.

Who then shall dare to say that the Third Estate has not within itself all that is necessary for the formation of a complete nation? It is the strong and robust man who has one arm still shackled. If the privileged order should be abolished, the nation would be nothing less, but something more. Therefore, what is the Third Estate? Everything; but an everything shackled and oppressed. What would it be without the privileged order? Everything, but an everything free and flourishing. Nothing can succeed without it, everything would be infinitely better without the others.

It is not sufficient to show that privileged persons, far from being useful to the nation, cannot but enfeeble and injure it; it is

*Referring to the account of Indian castes in Raynal: *Histoire phil. et pol. des deux Indes*, book I., a work much in vogue at the time.

necessary to prove further that the noble order does not enter at all into the social organization; that it may indeed be a burden upon the nation, but that it cannot of itself constitute a nation.

In the first place, it is not possible in the number of all the elementary parts of a nation to find a place for the *caste* of nobles. I know that there are individuals in great number whom infirmities, incapacity, incurable laziness, or the weight of bad habits render strangers to the labors of society. The exception and the abuse are everywhere found beside the rule. But it will be admitted that the less there are of these abuses, the better it will be for the State. The worst possible arrangement of all would be where not alone isolated individuals, but a whole class of citizens should take pride in remaining motionless in the midst of the general movement, and should consume the best part of the product without bearing any part in its production. Such a class is surely estranged to the nation by its indolence.

The noble order is not less estranged from the generality of us by its civil and political prerogatives.

What is a nation? A body of associates, living under a common law, and represented by the same legislature, etc.

Is it not evident that the noble order has privileges and expenditures which it dares to call its rights, but which are apart from the rights of the great body of citizens? It departs there from the common order, from the common law. So its civil rights make of it an isolated people in the midst of the great nation. This is truly *imperium in imperio*.

In regard to its political rights, these also it exercises apart. It has its special representatives, which are not charged with securing the interests of the people. The body of its deputies sit apart; and when it is assembled in the same hall with the deputies of simple citizens, it is none the less true that its representation is essentially distinct and separate: it is a stranger to the nation, in the first place, by its origin, since its commission is not derived from the people; then by its object, which consists of defending not the general, but the particular interest.

The Third Estate embraces then all that which belongs to the nation; and all that which is not the Third Estate, cannot be regarded as being of the nation. What is the Third Estate? It is the whole.

TRANSLATIONS AND REPRINTS

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. VI. X. Y. Z. LETTERS. NO. 2.

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INTRODUCTION.

The following documents present a phase of the diplomatic activity of the French Directory of especial interest to students of American History. The Adams administration had received as a legacy from the administration of Washington the strained relations with France; for the French Directory, regarding the ratification of the Jay treaty with England (Feb. 29, 1796) as a breach of faith with France on the part of the United States, proceeded to take measures of retaliation. The course of Monroe, our minister to France, failing to give satisfaction to Washington, he was recalled in 1796. Pinckney, who had been appointed as Monroe's successor, presented his credentials to the Directory in December, 1796, but was not only refused recognition, but in January was ordered to leave France, and accordingly retired to Amsterdam. The report of this treatment aroused great indignation in the United States; but President Adams, hoping that reconciliation could be secured by such a revision of the treaties as would give France equal advantages with England, decided to send special commissioners to France. In May, 1797, he nominated Pinckney, Marshall and Dana as Envoys. Upon the declination of Dana, Gerry was substituted. The first four of the following despatches were communicated by the President to both Houses on April 3, 1798, in response to a call for all the papers made by the House on the preceding day; the others were transmitted to Congress from time to time as they were received.

I. Instructions to Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, Esqs., Envoys Extraordinary and Ministers Plenipotentiary from the United States of America to the French Republic.

Department of State, July 15, 1797.

Gentlemen: It is known to you that the people of the United States of America entertained a warm and sincere affection for the people of France, ever since their arms were united in the war with Great Britain, which ended in the full and formal acknowledgment of the independence of these States. It is known to you that this affection was ardent, when the French determined to reform their Government and establish it on the basis of liberty; that liberty in which the people of the United States were born, and which, in the conclusion of the war above mentioned, was finally and firmly secured. It is known to you that this affection rose to enthusiasm, when the war was kindled between France and the Powers of Europe, which were combined against her for the avowed purpose of restoring the monarchy; and everywhere vows were heard for the success of the French arms. Yet, during this period, France expressed no wish that the United States should depart from their neutrality. And while no duty required us to enter into the war, and our best interests urged us to remain at peace, the Government determined to take a neutral station: which being taken, the duties of an impartial neutrality became indispensably binding. Hence the Government early proclaimed to our citizens the nature of those duties, and the consequences of their violation.

* * * * * * * *

A Government, thus fair and upright in its principles, and just and impartial in its conduct, might have confidently hoped to be secure against formal official censure; but the United States have not been so fortunate. The acts of their Government in its various branches, though pure in principle and impartial in operation, and conformable to their indispensable rights of sovereignty, have been assigned as the cause of the offensive and injurious measures of the French Republic. For proofs of the former, all the acts of the Government may be vouched; while the aspersions so freely uttered by the French Ministers, the refusal to hear the Ministers of the United States specially charged to enter on amicable discus-

sions on all the topics of complaint, the decrees of the Executive Directory and of their agents, the depredations on our commerce, and the violences against the persons of our citizens, are evidences of the latter. These injuries and depredations will constitute an important subject of your discussions with the Government of the French Republic; and for all these wrongs you will seek redress.

* * * * * * * *

We have witnessed so many erroneous constructions of the treaty with France, even in its plainest parts, it will be necessary to examine every article critically, for the purpose of preventing, as far as human wisdom can prevent, all future misinterpretations.

Then follows a detailed examination of the same, and the instructions end as follows:

On the supposition that a treaty will be negotiated to alter and amend the treaties, which now exist between France and United States, the following leading principles, to govern the negotiation are subjoined:

1. Conscious integrity authorizes the Government to insist, that no blame or censure be directly, or indirectly, imputed to the United States. But, on the other hand, however exceptionable in the view of our own Government, and in the eyes of an impartial world, may have been the conduct of France, yet she may be unwilling to acknowledge any aggressions, and we do not wish to wound her feelings, or to excite resentment. It will, therefore, be best to adopt, on this point, the principle of the British Treaty, and "terminate our differences in such a manner, as, without referring to the merits of our respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding."

2. That no aid be stipulated in favor of France during the present War.

3. That no engagement be made inconsistent with the obligations of any prior treaty.

4. That no restraint on our lawful commerce with any other nation be admitted.

5. That no stipulation be made, under color of which tribunals can be established within our jurisdiction, or personal privileges claimed by French citizens incompatible with the complete sovereignty and independence of the United States, in matters of policy, commerce, and government.

It will be expedient to limit the duration of the treaty to a term of from ten to twenty years. Such changes in the circumstances of the two parties are likely to happen within either of those periods, as to give one or both good reason to desire a change in the conditions of the treaty. From this limitation may be excepted such articles as are declaratory of a state of peace, or as are intended to regulate the conduct of the two nations at the commencement of, or during a state of war, or which are founded in morality and justice, and are, in their nature, of perpetual obligation. Of this kind may be considered the tenth article of the treaty with Great Britain;[1] which, therefore, may very properly be introduced into the treaty with France.

Finally, the great object of the Government being to do justice to France and her citizens, if in anything we have injured them; to obtain justice for the multiplied injuries they have committed against us, and to preserve peace; your style and manner of proceeding will be such as shall most directly tend to secure these objects. There may be such a change in men and measures in France, as will authorize, perhaps render politic, the use of strong language in describing the treatment we have received. On the other hand, the French Government may be determined to frustrate the negotiation, and throw the odium on this country; in which case, anything like warmth and harshness would be made the pretext. If things remain in their present situation, the style of representation will unite, as much as possible, calm dignity with simplicity, force of sentiment with mildness of language, and be calculated to impress an idea of inflexible perseverance, rather than of distrust or confidence.

II. Despatch from the Envoys to the Secretary of State.

Explanatory Letter from the Secretary of State.

The names designated by the letters W, X, Y, Z, in the following copies of letters from the Envoys of the United States to the French Republic, are, in the originals, written at full length, in ciphers. For the same reason that single letters are thus taken to designate certain persons named in the letters, other words descriptive of them are omitted. Timothy Pickering.

[1] This provided that private debts and moneys should not be sequestered or confiscated in time of war. Treaty of 1794.

DESPATCH NO. 1.

This first letter of the Envoys is given almost in its entirety, as it presents the three demands of the French Government. The words enclosed by brackets ( ) were omitted in the despatch as published, but have been supplied from the manuscript in the Department of State at Washington.

PARIS, *October* 22, 1797.

Dear Sir: All of us having arrived at Paris, on the evening of the 4th instant, on the next day we verbally, and unofficially, informed the Minister of Foreign Affairs therewith, and desired to know when he would be at leisure to receive one of our secretaries with the official notification. He appointed the next day, at two o'clock, when Major Rutledge waited on him with the following letter:

Citizen Minister: The United States of America being desirous of terminating all differences between them and the French Republic, and of restoring that harmony and good understanding, and that commercial and friendly intercourse which, from the commencement of their political connexion until lately have so happily subsisted, the President has nominated, and, by and with the advice and consent of the Senate, has appointed us, the undersigned, jointly and severally, Envoys Extraordinary and Ministers Plenipotentiary to the French Republic, for the purpose of accomplishing these great objects. In pursuance of such nomination and appointment, and with such view, having come to Paris, we wish, Citizen Minister, to wait on you at any hour you will be pleased to appoint, to present the copy of our letters of credence; and whilst we evince our sincere and ardent desire for the speedy restoration of friendship and harmony between the two Republics, we flatter ourselves with your concurrence in the accomplishment of this desirable event. We request you will accept the assurances of our perfect esteem and consideration.

CHARLES C. PINCKNEY,
JOHN MARSHALL,
ELBRIDGE GERRY.

Paris, October 6.

To this letter the Minister gave a verbal answer, that he would see us the day after the morrow, (the 8th,) at one oclock. Accordingly, at that hour and day, we waited on the Minister at his

house, where his office is held, when, being informed [that] he was at home, the Secretary General of the department told Major Rutledge that the Minister was obliged to wait on the Directory, and requested that we would suspend our visit till three o'clock; at which hour we called. The Minister, we found, was then engaged with the Portuguese Minister, who retired in about ten minutes, when we were introduced and produced the copy of our letters of credence, which the Minister perused and kept. He informed us, "that the Directory had required him to make a report relative to the situation of the United States with regard to France, which he was then about, and which would be finished in a few days, when he would let us know what steps were to follow." We asked if cards of hospitality were in the meantime necessary? He said they were, and that they should be delivered to us; and he immediately rung for his secretary and directed him to make them out. The conversation was carried on by him in French, and by us in our own language.

The next day cards of hospitality were sent to us and our secretaries, in a style suitable to our official character.

On Saturday, the 14th, Major Mountflorence informed General Pinckney that he had had a conversation with Mr. Osmond, the private and confidential secretary of the Minister of Foreign Affairs, who told him that the Directory were greatly exasperated at some parts of the President's Speech at the opening of the last session of Congress,[1] and would require an explanation of them from us. The particular parts were not mentioned. In another conversation on the same day, the secretary informed the Major that the Minister had told him it was probable we should not have a public audience of the Directory till such time as our negotiation was finished; that probably persons might be appointed to treat with us, but they would report to him, and he would have the direction of the negotiation. The Major did not conceal from Mr. Osmond his intention to communicate these conversations to us.

On the morning of October 18th, Mr. W., of the house of (van Stophorts and Hubbard of Amsterdam,) called on General Pinckney and informed him that a Mr. X, who was in Paris, and whom the General had seen (at Amsterdam), was a gentlemen of considerable credit and reputation, (that he had formerly been a

[1] Special Session, May 16, 1797.

banker at Paris and had settled his affairs with honor, that he had then formed connections in America, had married a native of that country; intended to settle there; was supported by some capital houses in Holland), and that we might place great reliance on him.

In the evening of the same day, Mr. X called on General Pinckney, and after having sat some time (in a room full of company), whispered him that he had a message from M. Talleyrand to communicate when he was at leisure. General Pinckney immediately withdrew with him into another room; and when they were alone, Mr. X said that he was charged with a business in which he was a novice; that he had been acquainted with M. Talleyrand (in America), and that he was sure he had a great regard for (that country) and its citizens; and was very desirous that a reconciliation should be brought about with France; that, to effectuate that end, he was ready, if it was thought proper, to suggest a plan, confidentially, that M. Talleyrand expected would answer the purpose. General Pinckney said he would be glad to hear it. M. X. replied that the Directory, and particularly two of the members of it, were exceedingly irritated at some passages of the President's Speech, and desired that they should be softened, and that this step would be necessary previous to our reception. That, besides this, a sum of money was required for the pocket of the Directory and Ministers, which would be at the disposal of M. Talleyrand; and that a loan would also be insisted on. M. X. said if we acceded to these measures, M. Talleyrand had no doubt that all our differences with France might be accommodated. On inquiry, M. X. could not point out the particular passages of the Speech that had given offense, nor the quantum of the loan, but mentioned that the douceur for the pocket was twelve hundred thousand livres, about fifty thousand pounds sterling. General Pinckney told him, that his colleagues and himself, from the time of their arrival here, had been treated with great slight and disrespect; that they earnestly wished for peace and reconciliation with France; and had been intrusted by their country with very great powers to obtain these ends on honorable terms; that, with regard to the propositions made, he would not even consider of them before he had communicated them to his colleagues; that, after he had done so, he should hear from him. After a communication and consultation had, it was

agreed that General Pinckney should call on M. X. and request him to make his propositions to us all: and, for fear of mistake or misapprehension, that he be requested to reduce the heads into writing. Accordingly, on the morning of October 19th, General Pinckney called on M. X., who consented to see his colleagues in the evening, and to reduce his propositions to writing. He said his communication was not immediately with M. Talleyrand, but through another gentleman in whom M. Talleyrand had great confidence. This proved afterwards to be M. Y.

At six in the evening, M. X. came and left with us the first set of propositions, which, translated from the French, are as follows:

"A person who possesses the confidence of the Directory, on what relates to the affairs of America, convinced of the mutual advantages which would result from the re-establishment of the good understanding between the two nations, proposes to employ all of his influence to obtain this object. He will assist the Commissioners of the United States in all the demands which they may have to make from the Government of France, inasmuch as they may not be contradictory to those which he proposes himself to make, and of which the principal will be communicated confidentially. It is desired that, in the official communications, there should be given a softening term to a part of the President's Speech to Congress, which has caused much irritation. It is feared that, in not satisfying certain individuals in this respect, they may give way to all their resentment.

The nomination of Commissioners will be consented to on the same footing as they have been named in the treaty with England, to decide on the reclamations which individuals of America may make on the Government of France, or on French individuals. The payment which, agreeably to the decisions of the Commissioners, shall fall to the share of the French Government, are to be advanced by the American Government itself. It is desired that the funds which, by this means, shall enter again into the American trade, should be employed in new supplies for the French colonies. Engagements of this nature, on the part of individuals reclaiming, will always hasten, in all probability, the decisions of the French Commissioners; and, perhaps, it may be desired that this clause should make a part of the instructions which the Government of the United States should give to the Commissioners they may choose. The French Government de-

sires, besides, to obtain a loan from the United States; but so that that should not give any jealousy to the English Government, nor hurt the neutrality of the United States. This loan shall be masked by stipulating, that the Government of the United States consents to make the advancements for the payment of the debts contracted by the agents of the French Government with the citizens of the United States, and which are already acknowledged, and the payment ordered by the Directory, without having been yet effectuated. There should be delivered a note to the amount of these debts. Probably this note may be accompanied by ostensible pieces, which will guarantee to the agents the responsibility of the United States, in case any umbrage should cause an injury. There shall also be first taken from this loan certain sums for the purpose of making the customary distribution in diplomatic affairs."

The person of note mentioned in the minutes, who had the confidence of the Directory, he said, before us all, was M. Talleyrand. The amount of the loan he could not ascertain precisely, but understood it would be according to our ability to pay. The sum which would be considered as proper, according to diplomatic usage, was about twelve hundred thousand livres. He could not state to us what parts of the President's Speech were excepted to, but said he would inquire and inform us. * * * On the morning of the 20th, M. X. called and said that M. Y., the confidential friend of M. Talleyrand, instead of communicating with us through M. X., would see us himself and make the necessary explanations. We appointed to meet him the evening of the 20th at seven o'clock, in General Marshall's room. At seven, M. Y. and M. X. entered; and the first mentioned gentleman, being introduced to us as the confidential friend of M. Talleyrand, immediately stated to us the favorable impressions of that gentleman toward our country—impressions which were made by the kindness and civilities he had personally received in America. That impressed by his solicitude to repay these kindnesses, he was willing to aid us in the present negotiation by his good offices with the Directory, who were, he said, extremely irritated against the Government of the United States, on account of some parts of the President's Speech, and who had neither acknowledged nor received us, and consequently have not authorized M. Talleyrand to have any communications with us. The

Minister, therefore, could not see us himself, but had authorized his friend M. Y. to communicate to us certain propositions, and to receive our answers to them; and to promise, on his part, that if we would engage to consider them as the basis of the proposed negotiation, he would intercede with the Directory to acknowledge us, and to give us a public audience.

M. Y. stated to us, explicitly and repeatedly, that he was clothed with no authority; that he was not a diplomatic character; that he was not (even a Frenchman) he was only the friend of M. Talleyrand, and trusted by him; that, with regard to himself, he had (landed property in America on which he hoped his children would reside;) and he earnestly wished well to the United States. He then took out of his pocket a French translation of the President's Speech, the parts of which, objected to by the Directory, were marked, agreeably to our request to M. X., and are contained in the exhibit A. Then he made us the second set of propositions, which were dictated by him and written by M. X. in our presence, and delivered to us, and which, translated from the French, are as follows: "There is demanded a formal disavowal in writing, declaring the speech of the citizen President, Barras, did not contain anything offensive to the Government of the United States, nor anything which deserved the epithets contained in the whole paragraph. Secondly, reparation is demanded for the article by which it shall be declared, that the decree of the Directory there mentioned did not contain anything contrary to the treaty of 1778, and had none of those fatal consequences that the paragraph reproaches to it. Thirdly, it is demanded that there should be an acknowledgment, in writing, of the depredations exercised on our trade by the English and French privateers. Fourthly, the Government of France, faithful to the profession of public faith which it had made not to intermeddle in the internal affairs of foreign Governments with which it is at peace, would look upon this paragraph as an attack upon its loyalty, if this was intended by the President. It demands, in consequence, a formal declaration that it is not the Government of France, nor its agents, that this paragraph meant to designate. In consideration of these reparations the French Republic is disposed to renew with the United States of America a treaty which shall place them reciprocally in the same state that they were in 1778. By this new treaty, France shall be placed, with respect to the United States,

exactly on the same footing as they stand with England, in virtue of the last treaty which has been concluded between them. A secret article of this new treaty would be a loan to be made by the United States to the French Republic; and, once agreed upon the amount of the loan, it would be endeavored to consult the convenience of the United States with respect to the best method of preventing its publicity."

On reading the speech, M. Y. dilated very much upon the keenness of the resentment it had produced, and expatiated largely on the satisfaction he said was indispensably necessary as a preliminary to negotiation. "But," said he, "gentlemen, I will not disguise from you that this satisfaction being made, the essential part of the treaty remains to be adjusted; *il faut de l'argent—il faut beaucoup d'argent;*" you must pay money, you must pay a great deal of money. He spoke much of the force, the honor, and the jealous republican pride of France; and represented to us strongly the advantage which we should derive from the neutrality thus to be purchased. He said that the receipt of the money might be so disguised as to prevent its being considered as a breach of neutrality by England; and thus save us from being embroiled with that Power. Concerning the twelve hundred thousand livres little was said; that being completely understood, on all sides, to be required for the officers of Government, and, therefore, needing no further explanation. These propositions, he said, being considered as the admitted basis of the proposed treaty, M. Talleyrand trusted that, by his influence with the Directory, he could prevail on the Government to receive us. We asked whether we were to consider it as certain, that, without a previous stipulation to the effect required, we were not to be received. He answered that M. Talleyrand himself was not authorized to speak to us the will of the Directory, and consequently could not authorize him. The conversation continued until half after nine, when they left us; having engaged to breakfast with Mr. Gerry the next morning.

October the 21st, M. X. came before nine o'clock; M. Y. did not come until ten: he had passed the morning with M. Talleyrand. After breakfast the subject was immediately resumed. He represented to us, that we were not yet acknowledged or received; that the Directory was so exasperated against the United States, as to come to a determination to demand from us, previous to our reception, those disavowals, reparations, and explanations, which

were stated at large last evening. He said that M. Talleyrand and himself were extremely sensible of the pain we must feel in complying with this demand, but that the Directory would not dispense with it; that, therefore, we must consider it as the indispensable preliminary to obtain our reception, unless we could find the means to change their determination in this particular; that if we satisfied the Directory in these particulars, a letter would be written to us to demand the extent of our powers, and to know whether we were authorized to place them precisely on the same footing with England; whether, he said, our full powers were really and substantially full powers, or, like those of Lord Malmesbury, only illusory powers; that, if to this demand our answer should be affirmative, then France would consent that commissioners should be appointed to ascertain the claims of the United States in like manner as under our treaty with England; * * *

We required an explanation of that part of the conversation, in which M. Y. had hinted at our finding means to avert the demand concerning the President's Speech. He answered, that he was not authorized to state those means, but that we must search for them and propose them ourselves. If, however, we asked his opinion as a private individual, and would receive it as coming from him, he would suggest to us the means which, in his opinion, would succeed. On being asked to suggest the means, he answered, money; that the Directory were jealous of its own honor and of the honor of the nation; that it insisted on receiving from us the same respect with which we had treated the King; that this honor must be maintained in the manner before required, unless we substituted, in the place of these reparations, something, perhaps more valuable, that was money. He said, further, that if we desired him to point out the sum which he believed would be satisfactory, he would do so. We requested him to proceed; and he said that there were thirty-two millions of florins, of Dutch inscriptions, worth ten shillings in the pound, which might be assigned to us at twenty shillings in the pound; and he proceeded to state to us the certainty that, after a peace, the Dutch Government would repay us the money; so that we should ultimately lose nothing, and the only operation of the measure would be, an advance from us to France of thirty-two millions, on the credit of the Government of Holland. We asked him whether the fifty thousand pounds sterling, as a *douceur* to the Directory, must be in

addition to this sum. He answered in the affirmative. We told him that, on the subject of the treaty, we had no hesitation in saying that our powers were ample; that, on the other points proposed to us, we would retire into another room, and return in a few minutes with our answer.

We committed immediately to writing the answer we proposed, in the following words: "Our powers respecting a treaty are ample; but the proposition of a loan, in the form of Dutch inscriptions, or in any other form, is not within the limits of our instructions; upon this point, therefore, the Government must be consulted; one of the American Ministers will, for the purpose, forthwith embark for America; provided the Directory will suspend all further captures on American vessels, and will suspend proceedings on those already captured, as well where they have been already condemned, as where the decisions have not yet been rendered; and that where sales have been made, but the money not yet received by the captors, it shall not be paid until the preliminary questions, proposed to the Ministers of the United States, be discussed and decided:" which was read as a verbal answer; and we told them they might copy it if they pleased. M. Y. refused to do so; his disappointment was apparent; he said we treated the money part of the proposition as if it had proceeded from the Directory; whereas, in fact, it did not proceed even from the Minister, but was only a suggestion from himself, as a substitute to be proposed by us, in order to avoid the painful acknowledgment that the Directory had determined to demand from us. It was told him that we understood that matter perfectly; that we knew the proposition was in form to be ours; but that it came substantially from the Minister.

We asked what had led to our present conversation? And General Pinckney then repeated the first communication from M. X., to the whole of which that gentleman assented, and we observed that those gentlemen had brought no testimonials of their speaking anything from authority; but that, relying on the fair characters they bore, we had believed them when they said they were from the Minister, and had conversed with them, in like manner, as if we were conversing with M. Talleyrand himself; and that we could not consider any suggestion M. Y. had made as not having been previously approved of; but yet, if he did not choose to take a memorandum in writing of our answer,

we had no wish that he should do so; and further, if he chose to give the answer to his proposition the form of a proposition from ourselves, we could only tell him that we had no other proposition to make, relative to any advance of money on our part; that America had sustained deep and heavy losses by French depredations on our commerce, and that France had alleged so [many] complaints against the United States, that on those subjects we came fully prepared, and were not a little surprised to find France unwilling to hear us; and making demands upon us which could never have been suspected by our Government, and which had the appearance of our being the aggressing party. M. Y. expressed himself vehemently on the resentment of France; and complained that, instead of our proposing some substitute for the reparations demanded of us, we were stipulating certain conditions to be performed by the Directory itself; that he could not take charge of such propositions; and that the Directory would persist in its demand of those reparations which he at first stated. We answered that we could not help it; it was for the Directory to determine what course its own honor and the interests of France required it to pursue; it was for us to guard the interest and honor of our country. M. Y. observed that we had taken no notice of the first proposition, which was to know whether we were ready to make the disavowal, reparations, and explanations concerning the President's Speech. We told him that we supposed it to be impossible that either he, or the Minister, could imagine that such a proposition could require an answer; that we did not understand it as being seriously expected; but merely an introductory to the subjects of real consideration.

He spoke of the respect which the Directory required, and repeated that it would exact as much as was paid to the ancient kings. We answered that America had demonstrated to the world, and especially to France, a much greater respect for her present Government than for her former monarchy: and that there was no evidence of this disposition which ought to be required, that we were not ready to give. He said that we should certainly not be received; and seemed to shudder at the consequences. We told him that America had made every possible effort to remain on friendly terms with France—that she was still making them; that if France would not hear us, but would make war on the United States, nothing remained for us but to regret the unavoidable necessity of defending ourselves.

The subject of our powers was again mentioned; and we told him that America was solicitous to have no more misunderstandings with any Republic, but especially with France; that she wished a permanent treaty, and was sensible that no treaty could be permanent which did not comport with the interests of the parties; and, therefore, that he might be assured, that our powers were such as authorized us to place France on equal ground with England, in any respects in which an equality might be supposed to exist at present between them, to the disadvantage of France.

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a. PARAGRAPHS OF THE PRESIDENT'S SPEECH REFERRED TO IN DESPATCH NO. 1, UNDER TITLE OF EXHIBIT A.

This message of President Adams, presented at the opening of the Extra Session of Congress, May 16, 1797, was called forth by M. Barras' address to Monroe upon his recall, and by the refusal of the French Government to receive the new American Minister, Pinckney.

1. With this conduct of the French Government it will be proper to take into view the public audience, given to the late Minister of the United States, on his taking leave of the Executive Directory. The Speech of the President's discloses sentiments more alarming than the refusal of a Minister, because more dangerous to our independence and union, and at the same time studiously marked with indignities against the Government of the United States. It evinces a disposition to separate the people of the United States from the Government; to persuade them that they have different affections, principles, and interests from those of their fellow-citizens, whom they themselves have chosen to manage their common concerns; and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall evince France and the world, that we are not a degraded people, humiliated under a colonial spirit of fear, and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honor, character and interest.

2. The diplomatic intercourse between the United States and France being at present suspended, the Government has no means of obtaining official information from that country; nevertheless, there is reason to believe that the Executive Directory passed a decree on the 2d of March last, contravening, in part, the Treaty

of Amity and Commerce of 1778, injurious to our lawful commerce, and endangering the lives of our citizens. A copy of this decree will be laid before you.

3. While we are endeavoring to adjust all our differences with France, by amicable negotiation, the progress of the war in Europe, the depredations on our Commerce, the personal injuries to our citizens, and the general complexion of affairs, render it my indispensable duty to recommend to your consideration effectual measures of defence.

4. It is impossible to conceal from ourselves, or the world, what has been before observed, that endeavors have been employed to foster and establish a division between the Government and people of the United States. To investigate the causes which have encouraged this attempt is not necessary. But to repel, by decided and united councils, insinuations so derogatory to the honor, and aggressions so dangerous to the constitution, union, and even independence of the nation is an indispensable duty.

b. ANSWER OF M. BARRAS, PRESIDENT OF THE EXECUTIVE DIRECTORY, TO THE SPEECH OF MR. MONROE, ON TAKING LEAVE, TO WHICH THE SPEECH OF THE PRESIDENT OF THE UNITED STATES REFERS.

Mr. Minister Plenipotentiary of the United States of America: By presenting to-day your letters of recall to the Executive Directory, you give to Europe a very strange spectacle.

France, rich in her liberty, surrounded by a train of victories, strong in her esteem of her allies, will not abase herself by calculating the consequences of the condescension of the American Government to the suggestions of her former tyrants; moreover, the French Republic hopes that the successors of Columbus, Ramhiph (probably intended for Raleigh), and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh, in their wisdom, the magnanimous benevolence of the French people with the crafty caresses of certain perfidious persons who meditate bringing them back to their former slavery. Assure the good American people, sir, that, like them, we adore liberty; that they will always have our esteem; and that they will find in the French people republican generosity, which knows how to grant peace, as it does to cause its sovereignty to be respected.

As to you, Mr. Minister Plenipotentiary, you have combated for

principles; you have known the true interests of your country: depart with our regret. In you we give up a representative to America, and retain the remembrance of the citizen whose personal qualities did honor to that title.

III. Extracts from the Despatch of the Envoys to the Secretary of State, No. 2, dated Paris, November 8, 1797.

This letter is written in the form of a diary. The following extracts have been selected with a view of showing the continued pressure brought to bear upon the Envoys to yield to the demands of the Directory. It is especially valuable, as it contains the account of Mr. Gerry's first interview with Talleyrand.

About twelve we received another visit from M. X. He immediately mentioned the great event[1] announced in the papers, and then said, that some proposals from us had been expected on the subject on which we had before conversed: that the Directory were becoming impatient, and would take a decided course with regard to America, if we could not soften them. We answered, that on that subject we had already spoken explicitly, and had nothing further to add. He mentioned the change in the state of things which had been produced by the peace with the Emperor, as warranting an expectation of a change in our system; to which we only replied, that this event had been expected by us, and would not, in any degree, affect our conduct. M. X. urged, that the Directory had, since this peace, taken a higher and more decided tone with respect to us, and all other neutral nations, than had been before taken; that it had been determined, that all nations should aid them, or be considered and treated as their enemies. We answered, that such an effect had already been contemplated by us, as probable, and had not been overlooked when we gave to this proposition our decided answer; and further, that we had no powers to negotiate for a loan of money; that our Government had not contemplated such a circumstance in any degree whatever; that if we should stipulate a loan, it would be a perfectly void thing, and would only deceive France, and expose ourselves. M. X. again expatiated on the power and violence of France: he urged the danger of our situation, and pressed the policy of softening them, and of thereby obtaining time. The present men,

[1] Treaty of Campo Formio, Oct. 17, 1797, with Francis II.

he said, would very probably not continue long in power, and it would be very unfortunate if those who might succeed, with better dispositions towards us, should find the two nations in actual war.

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M. X. again returned to the subject of money: Said he, gentlemen, you do not speak to the point; it is money: it is expected that you will offer money. We said that we had spoken to that point very explicitly: we had given an answer. No, said he, you have not: what is your answer? We replied, it is no; no; not a sixpence. He again called our attention to the dangers which threatened our country, and asked, if it would not be prudent, though we might not make a loan to the nation, to interest an influential friend in our favor. He said we ought to consider what men we had to treat with; that they disregarded the justice of our claims, and the reasoning with which we might support them; that they disregarded their own colonies, and considered themselves as perfectly invulnerable with respect to us; that we could only acquire an interest among them by a judicious application of money, and it was for us to consider, whether the situation of our country did not require that these means should be resorted to. We observed, that the conduct of the French government was such as to leave us much reason to fear, that should we give the money, it would effect no good purpose, and would not produce a just mode of thinking with respect to us. Proof of this must first be given us. He said, that when we employed a lawyer, we gave him a fee, not knowing whether the cause would be gained or not; but it was necessary to have one, and we paid for his services, whether those services were successful or not: so, in the present state of things, the money must be advanced for the good offices the individuals were to render, whatever might be the effect of those good offices. We told him there was no parallel in the case; that a lawyer, not being to render the judgment, could not command success; he could only endeavor to obtain it; and consequently, we could only pay him for his endeavors; but the Directory could decide on the issue of our negotiation. It had only to order, that no more American vessels should be seized, and to direct those now in custody to be restored, and there could be no opposition to the order. He said, that all the members of the Directory were not disposed to receive our money: that Merlin, for instance, was

paid from another quarter, and would touch no part of the douceur which was to come from us. We replied, that we understood that Merlin was paid by the owners of the privateers; and he nodded an assent to the fact. He proceeded to press this subject with vast perseverance. He told us that we paid money to obtain peace with the Algerines, and with the Indians; and that it was doing no more to pay France for peace.

To this it was answered, that when our Government commenced a treaty with either Algiers or the Indian tribes, it was understood that money was to form the basis of the treaty, and was its essential article; that the whole nation knew it, and was prepared to expect it as a thing of course; but that in treating with France, our Government had supposed, that a proposition, such as he spoke of, would, if made by us, give mortal offence. He asked if our Government did not know, that nothing was to be obtained here without money? We replied, that our Government had not even suspected such a state of things. He appeared surprised at it, and said, that there was not an American in Paris who could not have given that information. We told him, that the letters of our Minister had indicated a very contrary temper in the Government of France; and had represented it as acting entirely upon principle, and as feeling a very pure and disinterested affection for America. He looked somewhat surprised; and said briskly to General Pinckney: "Well, sir, you have been a long time in France and in Holland; what do you think of it?" General Pinckney answered, that he considered M. X. and M. Y. as men of truth, and, of consequence, he could have but one opinion on the subject. He stated, that Hamburg, and other States of Europe, were obliged to buy a peace, and that it would be equally for our interest to do so. Once more he spoke of the danger of a breach with France, and her power, which nothing could resist.

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He said that France had lent us money during our Revolutionary war, and only required that we should now exhibit the same friendship for her. We answered, that the cases were very different; that America solicited a loan from France, and left her at liberty to grant or refuse it: but that France demanded it from America, and left us no choice on the subject. We also told him that there was another difference in the cases; that the money was lent by France for great national and French objects; it was

lent to maim a rival and an enemy whom she hated; that the money, if lent by America, would not be for any American objects, but to enable France to extend still further her conquests. The conversation continued for nearly two hours: and the public and private advance of money was pressed and repressed in a variety of forms, At length M. X. said that he did not blame us; that our determination was certainly proper, if we could keep it; but he showed decidedly his opinion to be that we could not keep it. He said that he would communicate, as nearly as he could, our conversation to the Minister, or to M. Y. to be given by him to the Minister; we are not certain which. We then separated.

On the 22d of October, M. Z., a French gentleman of respectable character, informed Mr. Gerry, that M. Talleyrand, Minister of Foreign Relations, who professed to be well disposed towards the United States, had expected to have seen the American Ministers frequently in their private capacities; and to have conferred with them individually on the object of their mission; and had authorized M. Z. to make this communication to Mr. Gerry. The latter sent for his colleagues; and a conference was held with M. Z. on the subject; in which General Pinckney and General Marshall expressed their opinions, that not being acquainted with M. Talleyrand, they could not, with propriety, call on him; but that, according to the custom of France, he might expect this of Mr. Gerry, from a previous acquaintance in America. This Mr. Gerry reluctantly complied with on the 23d, and with M. Z. called on M. Talleyrand, who, not being then at his office, appointed the 28th for the interview. After the first introduction, M. Talleyrand began the conference. He said that the Directory had passed an arrêt, which he offered for perusal, in which they had demanded of the Envoys an explanation of some parts, and a reparation for others, of the President's Speech to Congress, of the 16th of May: He was sensible, he said, that difficulties would exist on the part of the Envoys relative to this demand; but that by their offering money, he thought he could prevent the effect of the arrêt. M. Z. at the request of Mr. Gerry, having stated that the Envoys have no such powers, M. Talleyrand replied, they can in such case take a power on themselves; and proposed that they should make a loan. Mr. Gerry then addressed M. Talleyrand distinctly in English, which he said he under-

stood, and stated, that the uneasiness of the Directory resulting from the President's Speech was a subject unconnected with the objects of the mission: that M. Barras, in his speech to Mr. Monroe, on his recall, had expressed himself in a manner displeasing to the Government and citizens of the United States; that the President, as the Envoys conceived, had made such observations on M. Barras's speech as were necessary to vindicate the honor of the United States; that this was not considered by our Government as a subject of dispute between the two nations; that having no instructions respecting it, we could not make any explanations or reparations relating to it; and that M. Talleyrand himself was sufficiently acquainted with the Constitution of the United States, to be convinced with the truth of these observations. Mr. Gerry further stated, that the powers of the Envoys, as they conceived, were adequate to the discussion and adjustment of all points of real difference between the two nations; that they could alter and amend the treaty; or, if necessary, form a new one; that the United States were anxiously desirous of removing all causes of complaint between themselves and France, and of renewing their former friendship and intercourse, on terms which should be mutually honorable and beneficial to the two nations, but not on any other terms; that as to a loan, we had no powers to make one; that if we were to attempt it, we should deceive himself and the Directory likewise, which, as men of honor, we could not do; but that we could send one of our number for instructions on this proposition, if deemed expedient, provided that the other objects of the negotiation could be discussed and adjusted; that as he had expressed a desire to confer with the Envoys individually, it was the wish of Mr. Gerry that such a conference should take place, and their opinions thus be ascertained, which he conceived corresponded with his own in the particulars mentioned. M. Talleyrand in answer said, he should be glad to confer with the other Envoys individually, but that this matter about money must be settled directly, without sending to America; that he would not communicate the arrêt for a week; and that if we could adjust the difficulty respecting the Speech, an application would nevertheless go to the United States for a loan. A courier arriving at this moment from Italy, and M. Talleyrand appearing impatient to read the letters, Mr. Gerry took leave of him immediately.

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October 29.

M. X. again called upon us. He said, M. Talleyrand was extremely anxious to be of service to us, and had requested that one more effort should be made to induce us to enable him to be so. A great deal of the same conversation which had passed at our former interviews was repeated.

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The sum of his proposition was, that if we would pay, by way of fees—that was his expression—the sum of money demanded for private use, the Directory would not receive us, but would permit us to remain at Paris as we now were; and we should be received by M. Talleyrand, until one of us could go to America and consult our Government on the subject of the loan. These were the circumstances, he said, under which the Minister of Portugal had treated. * * * We had no reason to believe that a possible benefit could result from it; and we desired him to say that we would not give a shilling, unless American property unjustly captured was previously restored, and further hostilities suspended; and that, unless this was done, we did not conceive that we could even consult our Government concerning a loan; that if the Directory would receive us and commence negotiations, and anything occurred which rendered a consultation of the Government necessary, one of us would return to America for that purpose. He said that, without this money, we should be obliged to quit Paris; and that we ought to consider the consequences: the property of the Americans would be confiscated, and their vessels in port embargoed.

* * * * * * * *

October 30.

Immediately after breakfast the subject was resumed. M. Y. spoke without interruption for near an hour. He said that he was desirous of making a last effort to serve us, by proposing something which might accommodate the differences between the two nations. * * * M. Y. then called our attention to our situation, and to the force France was capable of bringing to bear upon us. He said that we were the best judges of our capacity to resist, so far as depended on our own resources, and ought not to deceive ourselves on so interesting a subject. The fate of Venice was one which might befall the United States. But, he proceeded to observe, it was probable we might rely on forming a league

with England. If we had such a reliance it would fail us. The situation of England was such as to compel Pitt to make peace on the terms of France. * * * Perhaps, said he, you believe that, in returning and exposing to your countrymen the unreasonableness of the demands of this Government, you will unite them in your resistance to those demands: you are mistaken; you ought to know that the diplomatic skill of France, and the means she possesses in your country, are sufficient to enable her, with the French party in America, to throw the blame which will attend the rupture of the negotiations on the Federalists, as you term yourselves, but on the British party, as France terms you; and you may assure yourselves this will be done. He concluded with declarations of being perfectly disinterested, and declared that his only motives for speaking thus freely, were his friendship for M. Talleyrand, and his wish to promote the interests and peace of the United States. * * * [In reply the American Commissioners spoke with great freedom, comparing the attitude and conduct of America with that of France, showing that] America was the only nation upon earth which felt and had exhibited a real friendship for the Republic of France. * * * To this distant, unoffending, friendly Republic, what is the language and the conduct of France? Wherever our property can be found, she seizes and takes it from us; unprovoked, she determines to treat us as enemies, and our making no resistance produces no diminution of hostility against us; she abuses and insults our Government, endeavors to weaken it in the estimation of the people, recalls her own Minister, refuses to receive ours, and when extraordinary means are taken to make such explanations as may do away misunderstandings, and such alterations in the existing relations of the two countries as may be mutually satisfactory, and may tend to produce harmony, the Envoys who bear these powers are not received; they are not permitted to utter the amicable wishes of their country, but, in the haughty style of a master, they are told that, unless they will pay a sum to which their resources scarcely extend, that they may expect the vengeance of France, and, like Venice, be erased from the list of nations; that France will annihilate the only free Republic upon the earth, and the only nation in the universe which has voluntarily manifested for her a cordial and real friendship! * * * M. Y. manifested the most excessive impatience; he interrupted us and said: This eloquent dissertation might be true; America

might have manifested, and he believed had manifested great friendship for France, and had just complaints against her; but he did not come to listen to those complaints. The Minister would, on our request, make for us certain propositions to the Directory; he had stated them to us, and all the answer he wished was, yes or no; did or did we not solicit the Minister to make the propositions for us? * * * M. X. informed us that M. Talleyrand would not consent even to lay this proposition before the Directory, without previously receiving the fifty thousand pounds, or the greater part of it. M. Y. left in writing his propositions.

NOVEMBER 1.

It was at length agreed that we should hold no more indirect intercourse with the Government.

NOVEMBER 3.

[M. Y. again called.] He said that intelligence had been received from the United States, that if Colonel Burr and Mr. Madison had constituted the mission, the differences between the two nations would have been accommodated before this time. He added, as a fact he was not instructed to communicate, that M. Talleyrand was preparing a memorial to be sent out to the United States, complaining of us as being unfriendly to an accommodation with France.

* * * * * * * *

IV. EXTRACTS FROM DESPATCHES OF THE ENVOYS TO THE SECRETARY OF STATE, NOS. 3 AND 4.

On the 11th of November the Commissioners of the United States addressed a letter to the Minister of Foreign Affairs, informing him that they were ready to negotiate. They received no official answer, but in their letters to the Secretary of State of November 27 and Dec. 24, 1797, they report that:

Frequent and urgent attempts have been made to inveigle us again into negotiation with persons not officially authorized, of which the obtaining of money is the basis. But we have persisted in declining to have any further communication relative to diplomatic business with persons of that description; and we mean to adhere to this determination;[1] [and] we are all of the opinion that, if we were to remain here for six months longer,

[1] From letter of November 27. What follows is from the letter of December 24.

without we were to stipulate the payment of money, and a great deal of it, in some shape or other, we should not be able to effectuate the objects of our mission, should we be even officially received; unless the projected attempt on England was to fail, or a total change take place in the persons who at present direct the affairs of this Government. [Of these "frequent and urgent attempts" were the calls of M. X. on the 14th of December, of M. Y. on the 17th, and] on the "20th of December, a lady, who is well acquainted with M. Talleyrand, expressed to me her concern that we were still in so unsettled a situation; but, adds she, why will you not lend us money? If you would make us a loan, all matters would be adjusted; and, she added, when you were contending for your revolution, we lent you money. [M. Y. on the 17th, had a Conference with Mr. Gerry in course of which he stated] that two measures, which M. Talleyrand proposed, being adopted, a restoration of friendship between the Republics would follow immediately: the one was a gratuity of fifty thousand pounds sterling, the other a purchase of thirty-two millions of the Dutch rescriptions." * * * M. Y. and Mr. Gerry then took a ride to M. Talleyrand's bureau, who received them politely: * * * He (M. Talleyrand) said that the information M. Y. had given me was just, and might always be relied on, but that he would reduce to writing his propositions, which he accordingly did; and after he had shown them to Mr. Gerry, he burnt the paper.

V. Extracts from the Letter of the Envoys to Talleyrand.

Having read the announcement that the Council had passed the decree recommended by the Directory, "to capture and condemn all neutral vessels laden in part, or in whole, with the manufactures or productions of England, or its possessions," the Commissioners, though still unrecognized, addressed an elaborate letter on the 27th of January, 1798, to Talleyrand, the Minister of Foreign Affairs, setting forth in detail and with great ability the grievances of the United States. This letter concludes as follows:

The Government of the United States still searches the means of terminating peacefully, and in a manner which ought to be mutually satisfactory, the calamities of the moment, and of averting the still greater calamities which may be reserved for the future. Not even the discouraging and unusual events which

had preceded the present effort to negotiate, could deter that Government from repeating its endeavors for the preservation of amity and peace. Three citizens of the United States have been deputed as Envoys Extraordinary and Ministers Plenipotentiary to the French Republic. Their instructions authorize and direct them to review the existing treaties between the two nations, and to remove, by all proper means, the inequalities which have grown out of the stipulations of those treaties, in consequence of the refusal of England to adopt the principles they contain. They are also directed to give fair and complete explanations of the conduct of the Government they represent; to state fully and truly the heavy injuries which their fellow-citizens have sustained; and to ask, from the equity of a great and magnanimous Republic, that compensation for those injuries which, we flatter ourselves, their justice will not refuse, and their liberal policy will not hesitate to give.

Bringing with them the temper of their Government and country, searching only for the means of effecting the objects of their mission, they have permitted no personal considerations to influence their conduct, but have waited, under circumstances beyond measure embarrassing and unpleasant, with that respect which the American Government has so uniformly paid to that of France, for permission to lay before you, Citizen Minister, these important communications with which they have been charged.

Perceiving no probability of being allowed to enter, in the usual forms, on those discussions which might tend to restore harmony between the two Republics, they have deemed it most advisable, even under the circumstances of informality which attend the measure, to address to your Government, through you, this candid review of the conduct, and this true representation of the sentiments and wishes, of the Government of the United States. They pray that it may be received in the temper in which it is written, and considered as an additional effort, growing out of a disposition common to the Government and people of America, to cultivate and restore, if it be possible, harmony between the two Republics. If, Citizen Minister, there remains a hope that these desirable objects can be effected by any means which the United States have authorized, the undersigned will still solicit, and will still respectfully attend, the development of those means.

If, on the contrary, no such hope remains, they have only to

pray that their return to their own country may be facilitated; and they will leave France with the most deep-felt regret that neither the real and sincere friendship, which the Government of the United States has so uniformly and unequivocally displayed for this great Republic, nor its continued efforts to demonstrate the purity of its conduct and intentions, can protect its citizens, or preserve them from the calamities which they have sought, by a just and upright conduct, to avert.

VI. ENVOYS' ACCOUNT OF INTERVIEW WITH TALLEYRAND. EXTRACTS FROM THEIR REPORT TO SECRETARY OF STATE, OF MARCH 9, 1798.

[Upon the 2d and 6th of March, at the solicitation of the Commissioners, Talleyrand accorded to them a personal interview:—] He (Talleyrand) said that the original favorable disposition of the Directory had been a good deal altered by the coldness and distance which we had observed; that, instead of seeing him often, and endeavoring to remove the obstacles to a mutual approach, we had not once waited on him. * * * The Minister said * * * that the Directory felt itself wounded by the different speeches of Mr. Washington and Mr. Adams, which he had stated, and would require some proof, on the part of the United States, of a friendly disposition, previous to a treaty with us. He then said that we ought to search for, and propose some means which might furnish this proof; that if we were disposed to furnish it there could be no difficulty in finding it; and he alluded very intelligibly to a loan. He said he had had several conferences with Mr. Gerry on this subject, who had always answered that we had no power. Mr. Gerry said that he had stated other objections; that he had particularly urged that it would involve us in a war with Great Britain. He made no reply: and General Pinckney observed, that a loan had repeatedly been suggested to us, but that we had uniformly answered that it exceeded our powers. Mr. Talleyrand replied, that persons at such a distance as we were from our Government, and possessed, as we were, of the public confidence, must often use their discretion, and exceed their powers for the public good; that there was a material difference between acting when instructions were silent, and doing what was particularly forbidden; that if, indeed, a loan was positively forbidden, we might consider ourselves as incapable of making one; but if, as he

supposed was the case,—he looked the question,—our instructions were only silent, that it must be referred to us to act in a case not provided for, according to the best of our judgment, for the public good; that, in almost all the treaties made during the Revolution, the negotiators had exceeded their powers, although the Government appointing them was at no considerable distance. He particularized the treaty with Prussia, and several others. * * * M. Talleyrand again marked the distinction between silence of instructions and an express prohibition, and again insisted on the necessity of our proving, by some means which we must offer, our friendship for the Republic. He said he must exact from us, on the part of his Government, some proposition of this sort; that, to prove our friendship, there must be some immediate aid, or something which might avail them; that the principles of reciprocity would require it.

* * * * * * * *

[On the 6th instant,] immediately after our arrival at his office we were introduced to the minister, and General Pinckney stated that we had considered, with the most serious attention, the conversation we had had the honor of holding with him a few days past; that the propositions which he had suggested appeared to us to be substantially the same with those which had been made by Mr., X. by Mr. Y. and also to Mr. Gerry, with an intention that they should be communicated to his colleagues; that we considered it as a proposition that the United States should furnish aid to France, to be used during the present war; that, though it was unusual to disclose instructions, yet we would declare to him that, in addition to its being a measure amounting to a declaration of war against Great Britain, we were expressly forbidden by our instructions to take such a step. * * * [Talleyrand again pressed upon them the necessity of making a loan.]

VII. Correspondence of Talleyrand and the Envoys.

a. Extracts from the letter of Talleyrand.

[On the 18th of March, Talleyrand replied to the the Commissioners criticising "the method which they (the Commissioners) have thought proper to pursue in the exposition."] So that it would appear from that exposition, as partial as unfaithful, that the French Republic have no real grievance to substantiate, no legitimate reparation to demand, whilst the United States should

alone have a right to complain—should alone be entitled to claim satisfaction. [Then follows a presentation of the French grievances, in which he dwelt upon Jay's Treaty as the principal grievance. He writes,] he will content himself with observing, summarily, that in this treaty, everything having been calculated to turn the neutrality of the United States to the disadvantage of the French Republic, and to the advantage of England; that the Federal Government having in this act made to Great Britain concessions, the most unheared of; the most incompatible with the interests of the United States; the most derogatory to the alliance which subsisted between the said States and the French Republic; the latter was perfectly free, in order to avoid the inconveniences of the Treaty of London, to avail itself of the preservative means with which the law of nature, the law of nations, and prior treaties, furnished it. [He arraigns the administration, declaring that] the newspapers, known to be under the indirect control of the cabinet, have, since the treaty, redoubled the invectives and calumnies against the Republic and against her principles, her magistrates, and her Envoys. Pamphlets, openly paid for by the Minister of Great Britain, have reproduced, in every form, those insults and calumnies, without a state of things so scandalous having ever attracted the attention of the Government, which might have repressed it. On the contrary, the Government itself was intent upon encouraging this scandal in its public acts. The Executive Directory has seen itself denounced in a Speech delivered by the President in the course of the month of May last (O. S.) as endeavoring to propagate anarchy and division within the United States. The new allies which the Republic has acquired, and who are the same that contributed to the independence of the Americans, have been equally insulted in the official correspondences which have been made public, or in the newspapers. In fine, one cannot help discovering, in the tone of the Speech and of the publications which have been just pointed out, a latent enmity which only waits an opportunity to break out.

Facts being thus established, it is disagreeable to be obliged to think that the instructions, under which the Commissioners have acted, have not been drawn up with the sincere intention of obtaining pacific results; because, far from proceeding in their memorial upon some avowed principles and acknowledged facts, they have inverted and confounded both, so as to be enabled to

impute to the Republic all the misfortunes of a rupture, which they seem willing to produce by such a course of proceeding.

* * * * * * * *

The intentions which the undersigned here attributes to the Government of the United States are so little disguised, that nothing seems to have been neglected at Philadelphia to manifest them in every eye. It is, probably, with this view, that it was thought proper to send to the French Republic persons whose opinions and connexions are too well known to hope from them dispositions sincerely conciliatory.

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It is impossible to foresee whither such dispositions may lead. The undersigned does not hesitate to believe, that the American nation, like the French nation, sees this state of things with regret, and does not consider its consequences without sorrow. He apprehends that the American people will not commit a mistake concerning the prejudices with which it has been desired to inspire them against an allied people, nor concerning the engagements with which it seems to be wished to make them contract to the detriment of an alliance, which so powerfully contributed to place them in the rank of nations, and to support them in it; and that they will see in these new combinations the only dangers their prosperity and importance can incur.

* * * * * * * *

It is, therefore, only in order to smooth the way of discussions, that the undersigned has entered into the preceding explanations. It is with the same view that he declares to the Commissioners and Envoys Extraordinary, that, notwithstanding the kind of prejudice which has been entertained with respect to them, the Executive Directory is disposed to treat with that one of the three, whose opinions, presumed to be more impartial, promise, in the course of the explanations, more of that reciprocal confidence which is indispensable.

* * * * * * * *

The Envoys replied very fully in a joint letter, in which they declared, no one of the three was "authorized to take upon himself a negotiation evidently entrusted by the tenor of their powers and instructions to the whole." Pinckney and Marshall then left Paris. Gerry remained. He explained his action in a letter to the President, of April 16, 1798, as follows: "I expected my passport with my colleagues, but am informed that the Directory will not consent to my leaving France: and to bring on an imme-

diate rupture, by adopting this measure, contrary to their wishes, would be in my mind unwarrantable."

b. EXTRACTS FROM THE CORRESPONDENCE OF TALLEYRAND AND GERRY.

PARIS, 14TH GERMINAL, (3D APRIL,) 1798.
6th year of the French Republic, one and indivisible.

I suppose, sir, that Messrs. Pinckney and Marshall have thought it useful and proper, in consequence of the intimations given in the end of my note of the 28th Ventose last,[1] and the obstacle which their known opinions have interposed to the desired reconciliation, to quit the territory of the Republic. On this supposition, I have the honor to point out to you the 5th or the 7th of this decade, to resume our reciprocal communications upon the interests of the French Republic and the United States of America.

Receive, I pray you, etc.,

CH. MAU. TALLEYRAND.

[Gerry replied April 4, that] to resume this subject will be unavailing, because the measure, for the reasons which I then urged, is utterly impracticable. I can only then confer informally and unaccredited on any subject respecting our mission, and communicate to the Government of the United States the result of such conferences, being in my individual capacity unauthorized to give them an official stamp. [Shortly afterward copies of the dispatches of the envoys, with accounts of their interviews with X. Y. Z. and "the lady," appeared. Talleyrand at once (May 30th) addressed Gerry the following letter.]

I communicate to you, sir, a London Gazette, of the 26th of last Floreal, (May 15, 1798.) You will therein find a very strange publication. I cannot observe, without surprise, that intriguers have profited of the insulated condition in which the Envoys of the United States have kept themselves, to make proposals and hold conversations, the object of which was evidently to deceive you.

I pray you to make known to me immediately the names denoted by the initials W. X. Y. and Z., and that of the woman who is described as having had conversations with Mr. Pinckney upon the interests of America. If you are averse in sending them to me in

[1] 18th of March.

writing, be pleased to communicate them confidentially to the bearer.

I must rely upon your eagerness to enable the Government to fathom those practices, of which I felicitate you on not being the dupe, and which you must wish to see cleared up. Accept the assurance of my perfect consideration.

[After further correspondence Gerry finally replies:—]

PARIS JUNE —, 1798.
PRAIRIAL, —, 6 AN.

The names of the persons designated in the communications of the Envoys Extraordinary of the United States to their Government, published in the "Commercial Advertiser" of the 11th of April last, at New York, are as follows:

X., is Mr. (Horttinguer.)
Y., is Mr. Bellami.
Z., is Mr. Hauteval.

E. GERRY.

To the Ministers of Foreign Affairs, of the French Republic.

c. EXTRACTS FROM THE LETTER OF M. HAUTEVAL (Z) TO TALLEYRAND.

13TH PRAIRIAL, 6TH YEAR,
JUNE 1, 2798.

To the Minister of Exterior Relations:

Mr. Gerry having communicated to me the letter which you yesterday wrote to him, by which you expressly desire that he may make known to you the persons meant by the letters W. X. Y. Z., in the correspondence of the American Envoys, printed in a public paper of the United States of America, dated April 12, (O. S.)

My sensibility must be much affected on finding myself, under the letter Z., acting a part with certain intriguers, whose plan it doubtless was to take advantage of the good faith of the American Envoys, and make them their dupes. Finding myself implicated in this affair, and wishing to remove my uneasiness respecting the disagreeable impressions, and the consequence which the publication of your letter to Mr. Gerry might produce, I thought it my duty to hasten to you, and pray you, Citizen Minister, to be pleased to declare, in writing, that, in the conference I had with those gentlemen, I pursued the communications which you

authorized me to make to them, in the manner I shall state below. [Then follows his version of the interviews with the Envoys, reference being made to the question of reparation for the "President's Speech," and to the suggestion of a loan to France, but all reference to the "douceur" is omitted.]

d. EXTRACTS FROM THE LATER CORRESPONDENCE OF TALLEYRAND TO GERRY.

[Talleyrand renews his endeavors to draw Mr. Gerry into a formal negotiation; in his letter of June 10, he declares that] as to the French Government, superior to all the personalities, to all the manoeuvres of its enemies, it perseveres in the intention of conciliating with sincerity all the differences which have happened between the two countries. I confirm it to you anew. The French Republic desires to be restored to the rights which its treaties with your Government confer upon it, and through those means it desires to assure yours. You claim indemnities; it equally demands them; and this disposition, being as sincere on the part of the Government of the United States as it is on its part, will speedily remove all the difficulties.

It remains for me to ask you, sir, whether you are at length in a situation to proceed towards this important object Receive, sir, the assurance of my perfect consideration.

[On the 27th of June, he urged with increasing zeal the negotiation upon Gerry.] You seem to insinuate that these propositions have long been delayed. They could not have been made until after the departure of your colleagues; the first open negotiations upon the differences which subsist between the two countries take their date only since that recent period nothing was entered upon as long as the three Envoys were present· one alone manifested a temper of reconciliation. Afterwards, some time was necessary to unite the views you suggested with the determination the Executive Directory has made, to place the respective interests in front. * * * I was, nevertheless, about to transmit the result of my reflections in the beginning of Prairial (between the 20th and last of May), when the incident happened[1] which for a moment suspended the principal object. I do not see what delay I could have prevented. I am mortified that circumstances have not rendered our progress more rapid, and it is in order to

[1] The publication of the despatches of the Envoys.

accelerate it, as well as to obviate every new casualty, that I have pressed you in my last letter to remain at Paris. [Finally, on the 22d of July, Talleyrand renounces all the earlier demands.] A negotiation may, therefore, be resumed even at Paris, where I flatter myself you have observed nothing but testimonies of esteem, and where every Envoy who shall unite your advantages cannot fail to be well received. Moreover, I know not sir, why you tell me that it would be requisite to lop from this negotiation every preliminary respecting a loan, and explanations on the subject of the speeches delivered. Be pleased to read over again the propositions which I transmitted to you on the 30th Prairial (June 18th); they contain the ideas of the French Government, and you will not find in them a word which justifies your recurring to these two questions. An odious intrigue had got possession of them; the dignity of the French Government could not permit this mixture, and it did not wish that views as pure as its own should be associated therewith hereafter.

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This period,[1] sir, cannot be too near at hand. I do not cease to regret that you should refuse yourself the accelerating of it, by yielding to circumstances, persuaded, as I ever am, that you were fully authorized.

Accept my wishes for your happy passage, and the assurance of my perfect consideration.

The first four despatches, communicated to Congress April 3, 1798. were printed by order of Senate April 9. The effect upon the country was instantaneous. Indignation against France was both wide and deep. Supporters and defenders of France were discredited. Many moderate Republicans rallied to the support of the administration and the national honor.

The later despatches, as they were published, tended to increase the resentment of both Congress and the country. The arrival of Marshall with the concluding correspondence between the joint Commissioners and Talleyrand (ante, pp. 28–31) led President Adams in his message of June 21, transmitting these documents to Congress, to pronounce negotiations at an end, and to give expression to that famous declaration, "I will never send another minister to France without assurances that he will be received, respected and honored as the representative of a great, free, powerful and independent nation."[1]

Ten thousand copies of these latest dispatches were ordered printed and circulated. Popular excitement rose to the highest pitch. "Millions for

[1] The restoration of amicable relations.

[1] Am. State Papers, Foreign Affairs, II, 199.

defense but not one cent for tribute," became the cry. The rising temper of the country was reflected in the action of Congress. Beginning with April 27, war-like measures were rapidly passed.[1] Statutes to place the army and navy on a war footing, and for the defense of the country, followed in quick succession.

The most important of these in their permanent influence were the acts for the establishment of the Navy Department, and for the building of the new Navy; the creation of the office of Lieutenant-General and Commander-in-Chief of the Armies, and the appointment and acceptance of this office by Washington.[2]

As early as May 28, American cruisers were authorized to capture any French vessel found near the coast preying upon American commerce. This act, strengthened by subsequent statutes, especially that of July 7, abrogating all treaties with France, led to the quasi-naval war with that country, which lasted for nearly two years. Although neither country had formally declared war, the Attorney-General gave an opinion that a maritime war existed authorized by both nations.[3]

These international complications had a very marked influence upon domestic politics. The Federalists, flushed with their popularity, were led beyond the bounds of political discretion, in an attempt to crush their opponents, and strengthen themselves at home. To this end, following the example of England, they passed a series of reactionary measures, known as the Alien and Sedition Acts,[4] which in turn led to the promulgation of the Virginia and Kentucky resolutions.[5] The Democratic-Republican party turned the mistake of the Federalists to their advantage, by substituting as their political programme, in place of the defense and championship of France, the defense of the individual. On this platform they won the victory of 1800.

The effect of the publication of the despatches upon the French government is seen by the marked change in the tone of Talleyrand's correspondence with Gerry. Talleyrand feigns innocence by requesting Gerry to furnish him with the names of the persons indicated by the letters W. X. Y. and Z. He then continues his efforts to try to inveigle Gerry to treat contrary to his instructions, and to this end recedes from all his earlier demands, but without success.

The attempt of George Logan, a Philadelphia Friend and self-appointed envoy to France, to intervene in the interest of peace,[6] led to no results except the enactment by Congresss of a law, which slightly modified is still in force, punishing by fine and imprisonment any citizen of the United States who, without authority, attempted to hold, "any verbal or written cor-

[1] Consult U. S. Stat. at Large, I, 552–607, for acts passed between April 27 and July 16, 1798.

[2] Letter of acceptance, Am. State Papers, Foreign Relations, II, 202.

[3] Opinions of At.-Genl., I, 84.

[4] Naturalization Act, June 18, 1798, U. S. Stat. at Large, I, 566–569. Alien Act, June 25, 1798, Ib., 570-572. Alien Enemies Act, July 6, 1798, Ib., 577, 578. Sedition Act, July 14, 1798, Ib., 596, 597.

[5] MacDonald, Select Documents, 148–160. [6] McMaster, United States, II, 409, 410, 414–416.

respondence with any foreign government, or its agents with intent to influence the measures of such government in relation to disputes or controversies with the United States."[1]

After the departure of Gerry, Talleyrand, on Aug. 28, opened indirect means of communication with the American government, through Pichon, the French Secretary of Legation at the Hague, and Murray, the American minister at the same place,[2] and a month later sent word that "whatever plenipotentiary the Government of the United States might send to France in order to terminate the existing differences between the two countries, would be undoubtedly received with the respect due to the representative of a free, independent and powerful people."[3] To these advances, embodying the language of the President's Message, President Adams replied by nominating a new commission, finally composed of Chief-justice Ellsworth, Mr. Davie and Mr. Murray, who were authorized "to discuss and settle by a treaty all controversies between the United States and France."[4] By the time they arrived in France the Directory had been superseded by Bonaparte as First Consul. With him they succeeded in establishing good relations, and concluded a treaty September 30, 1800.[5]

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Consult also HILDRETH, IV. 645–682, 702–704; V. 125–159, 191–235; MCMASTER, II. 287–289, 311–323, 343–344, 367–410, 414–416; SCHOULER, I. 344–358, 373–392; and for additional references, CHANNING AND HART, GUIDE, §164; and MACDONALD, SELECT DOCUMENTS. 135–136.

[1] Jan. 30. 1799, 1 Stat. at L., 613; U. S. Rev. Stat., 1036, sec. 5335; Wharton, Int. Law Digest, I, 755, 756. [2] State Papers, Foreign Relations II, 241. [3] Ib., 242.

[4] Ratifications exchanged at Paris, July 31, 1801; Proclaimed, Dec. 21, 1801, Treaties and Conventions, 322.

[5] Foreign Relations II, 243.

Translations and Reprints

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

Vol. VI. The Early Germans. No. 3.

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I. CÆSAR.

C. Julius Cæsar born 100 (101), murdered 44 B. C., became proconsul of the Gallic provinces in 58. While in this region he came in frequent contact with the Germans who were beginning to cross the Rhine into Gaul in large numbers. In describing the campaign of 53 B. C. Cæsar makes a long digression to describe the manners and customs of the Gauls and the Germans. The passage relating to the latter is here given. The best edition of the Gallic War is that of Kübler.

EXTRACT FROM THE GALLIC WAR.

Lib. VI. cc. XXI–XXIV. (*Latin*).

XXI. The customs of the Germans differ much from those of the Gauls; for neither have they Druids to preside over religious services, nor do they care much for sacrifices. They count among the number of the gods those only whom they can see, and whose benign influence is manifest; namely, the Sun, Vulcan and the Moon. Of the others they have never even heard. Their whole life is made up of hunting and thoughts of war. From childhood they are exercised in labor and hardship. Those among them who remain longest in a state of celibacy are held in the highest esteem, as they claim that thereby the stature of some is increased, while it adds to the strength and sinews of others. Indeed, to have had intercourse with a woman before twenty is considered a most disgraceful thing, nor is the concealment of such a matter possible, since they not only bathe together promiscuously in the streams, but use skins or small garments of reindeer hide for clothing, whereby a great part of the body is bare.

XXII. They are not devoted to agriculture, and the greater part of their food consists of milk, cheese and flesh; nor does anyone possess a particular piece of land as his own property, with fixed boundaries, but the magistrates and the chiefs assign every year to the clans and the bands of kinsmen who have assembled together as much land as they please in any locality they see fit, and on the following year compel them to move elsewhere. They offer many reasons for this custom; that the people may not lose their zeal for war through habits engendered by continued application to the cultivation of the soil; that they may not be eager to acquire large possessions, and that the more powerful may not drive the weaker from their property: that they may not build too carefully in order to avoid cold and heat; that the love of money

may not spring up, from which come divisions and dissensions; that the common people may be held in contentment, since each one sees his own wealth kept equal to that of the most powerful.

XXIII. It is a matter of the greatest pride to the tribes to lay waste the borders of their territory as great a distance as possible and make them uninhabitable. They consider it a tribute to their valor when their neighbors are compelled to retire from those lands and when hardly any one dares set foot there; at the same time they think that they will thus be safer, since the fear of a sudden invasion is removed. When a tribe is either repelling an invasion or attacking a hostile territory, magistrates are chosen to lead them in the war, who have the power of life and death. In times of peace they have no general magistrate, but the chiefs of the districts and cantons exercise justice among their own people and settle controversies. Robbery, if done outside the borders of the tribe, carries with it no disgrace, and they declare that it is practiced for the sake of exercising the youth and preventing idleness. When any of the chiefs has said in an assembly that he is going to be the leader in a foray, and let those who wish to follow him hand in their names, they who approve of the raid and of the man rise up and promise their assistance, and are applauded by the masses. Those of the number who do not then follow him are considered deserters and traitors, and thereafter no faith whatever is placed in them.

To violate the rights of hospitality they hold to be a crime; whoever come to them for any reason whatever, they protect from injury, holding them sacred. Everybody's house is free to such, and they are furnished with food.

II. TACITUS.

Cornelius Tacitus, one of the greatest historians of the world, born about 54 A. D., died probably about 120 A. D., is the great authority for the history of the early Empire. His chief works are the Histories, the Annals, the Life of Agricola, and Germany. The last contains almost everything that is known of the early Germans, and modern research has done little more than confirm what Tacitus has stated in this treatise. It was composed in 98 A. D., but from what sources the author drew the greater part of his information is unknown. Cæsar is the only writer whom he expressly mentions, though there is evidence that he also consulted the works of Pomponius Mela and Pliny the Elder. It has been supposed that he was an official in Gaul or one of the Germanies from 90 to 94, and so had personal

knowledge of the people he described, but he nowhere mentions such an experience.

The most convenient edition of the *Germania* for consultation is Furneaux, Oxford, 1894. It contains an excellent introduction and full notes. Of the many English translations the best is that of Church and Brodribb, of which the present editor has made free use. Horkel has a fine German translation in the *Geschichtsschreiber der deutschen Vorzeit*, Bd. II.

CONCERNING GERMANY.

Germania, ed. Furneaux, Oxford, 1894 (Latin).

I. Germany proper is separated from the Gauls, the Rhaetians and the Pannonians by the Rhine and the Danube, from the Sarmatians and Dacians partly by the mountains, partly by their mutual fears. The ocean washes its other boundaries, forming deep bays and embracing large islands where various tribes and their kings have become known to us through the disclosures of recent war. The Rhine takes its rise in the steep and inaccessible fastnesses of the Rhaetian Alps, and, bending slightly to the west, flows into the northern ocean. The Danube, pouring down from the gently sloping ridge of Mount Abnoba, passes the borders of many nations, and finally forces its way through six outlets into the Black Sea; a seventh channel is swallowed up by the marshes.

II. I should say that the Germans themselves were an indigenous people, without any subsequent mixture of blood through immigration or friendly intercourse; for in ancient times it was by sea and not by land that those who wished to change their homes wandered, and the ocean, hostile, as it were, and of boundless extent on the further side, is rarely traversed by ships from our part of the world. And not to mention the danger of the terrible and unknown sea, who indeed would leave Asia or Africa or Italy to seek Germany with its wild scenery, its harsh climate, its sullen manners and aspect, unless, indeed, it were his native country? They tell in their ancient songs, the only kind of tradition and history that they have, how Tuisto, a god sprung from the earth, and his son Mannus were the originators and founders of their race. Mannus is supposed to have had three sons from whose names those nearest the ocean are called *Ingaevones*, those in the middle country, *Hermiones*, and the others, *Istaevones*. Certain people assert with the freedom permitted in discussing ancient times that there were many descendants of the god, and many

tribal names, such as *Marsi*, *Gambrivii*, *Suebi*, *Vandilii*, and that these were their true and ancient names. But the name Germany, they say, is modern and of recent application, since those who first crossed the Rhine and expelled the Gauls, and who are now called *Tungri*, were then named Germans; thus what had been a tribal, not a national name, spread little by little, so that later they all adopted the newly-coined appellation that was first employed by the conquerors to inspire fear and called themselves Germans.

III. They say that Hercules himself once visited them, and when about to go into battle they sing of him as the first of all heroes. They have also certain songs, by the intonation of which (*barditus*, as it is called) they excite their courage, while they divine the fortune of the coming battle from the sound itself. They inspire or feel terror according to the character of the cheering, though what harmony there is in the shouting is one of valor rather than of voices. The effect they particularly strive for is that of a harsh noise, a wild and confused roar, which they attain by putting their shields to their mouths so that the reverberation swells their deep, full voices. Ulysses, too, is thought by some to have reached this ocean in those long and fabulous wanderings of his, and to have been cast upon the shores of Germany. They say he built and named Asciburgium, a town on the banks of the Rhine still inhabited; nay even that an altar consecrated by him and inscribed with the name of his father Laertes has been found at the same place, and that certain monuments and tombs with Greek letters on them still exist within the confines of Germany and Rhaetia. I have no mind to argue either for or against the truth of these statements; let each one believe or reject them as he feels inclined.

IV. I myself subscribe to the opinion of those who hold that the German tribes have never been contaminated by intermarriage with other nations, but have remained peculiar and unmixed and wholly unlike other people. Hence the bodily type is the same among them all, notwithstanding the extent of their population. They all have fierce blue eyes, reddish hair and large bodies fit only for sudden exertion; they do not submit patiently to work and effort and cannot endure thirst and heat at all, though cold and hunger they are accustomed to because of their climate.

V. In general the country, though varying here and there in appearance, is covered over with wild forests or filthy swamps, being

more humid on the side of Gaul but bleaker toward Noricum and Pannonia. It is suitable enough for grain but does not permit the cultivation of fruit trees; and though rich in flocks and herds these are for the most part small, the cattle not even possessing their natural beauty nor spreading horns. The people take pride in possessing a large number of animals, these being their sole and most cherished wealth. Whether it was in mercy or wrath that the gods denied them silver and gold, I know not. Yet I would not affirm that no vein of German soil produces silver or gold; for who has examined? They do not care for their possession and use as much as might be expected. There are to be seen among them vessels of silver that have been presented as gifts to their ambassadors and chiefs, but they are held in no more esteem than vessels of earthenware; however those nearest to us prize gold and silver because of its use in trade, and they recognize certain of our coins as valuable and choose those. The people of the interior practice barter and exchange of commodities in accordance with the simple and ancient custom. They like the old and well known coins, those with milled edges bearing the stamp of a two-horse chariot. They are more anxious also for silver coins than for gold, not because of any special liking, but because a number of silver coins is more convenient in purchasing cheap and common articles.

VI. Not even iron is abundant, as is shown by the character of their weapons. Some few use swords or long spears, but usually they carry javelins, called in their language *framea*, tipped with a short narrow piece of iron but so sharp and so easy to handle that as occasion demands they employ the same weapon for fighting at close range or at a distance. A horseman is content with a shield and a javelin, but the footmen, either nude or lightly clad in a small cloak, rain missiles, each man having many and hurling them to a great distance. There is no particular adornment to their weapons except that their shields are distinguished by the most carefully chosen colors. A few wear cuirasses, but hardly any have helmets of metal or leather. Their horses are noted neither for their beauty nor their speed, nor are they trained to perform evolutions as with us. They move straight ahead or make a single turn to the right, the wheel being executed with such perfect alignment that no man drops behind the one next to him. One would say that on the whole their chief strength lies in their in-

fantry. A picked body of these are chosen from among all the youth and placed in advance of the line where they fight mixed with the horsemen, since their swiftness makes them fully equal to engaging in a cavalry contest. Their number is fixed; there are a hundred from each canton, and from this circumstance they take their name among their own people, so that what was at first a number is now become an appellation of honor. The main body of troops is drawn up in wedge-shaped formation. To yield ground, provided you press forward subsequently, is considered a mark of prudence rather than a sign of cowardice. They carry off the bodies of the fallen even where they are not victorious. It is the greatest ignominy to have left one's shield on the field, and it is unlawful for a man so disgraced to be present at the sacred rites or to enter the assembly; so that many after escaping from battle have ended their shame with the halter.

VII. They choose their kings on account of their ancestry, their generals for their valor. The kings do not have free and unlimited power and the generals lead by example rather than command, winning great admiration if they are energetic and fight in plain sight in front of the line. But no one is allowed to put a culprit to death or to imprison him, or even to beat him with stripes except the priests, and then not by way of a punishment or at the command of the general but as though ordered by the god who they believe aids them in their fighting. Certain figures and images taken from their sacred groves they carry into battle, but their greatest incitement to courage is that a division of horse or foot is not made up by chance or by accidental association but is formed of families and clans; and their dear ones are close at hand so that the wailings of the women and the crying of the children can be heard during the battle. These are for each warrior the most sacred witnesses of his bravery, these his dearest applauders. They carry their wounds to their mothers and their wives, nor do the latter fear to count their number and examine them while they bring them food and urge them to deeds of valor.

VIII. It is related how on certain occasions their forces already turned to flight and retreating have been rallied by the women who implored them by their prayers and bared their breasts to their weapons, signifying thus the captivity close awaiting them, which is feared far more intensely on account of their women than for themselves; to such an extent indeed that those states are more

firmly bound in treaty among whose hostages maidens of noble family are also required. Further, they believe that the sex has a certain sanctity and prophetic gift, and they neither despise their counsels nor disregard their answers.[1] We ourselves in the reign of the divine Vespasian saw Valaeda, who was considered for a long time by many as a sort of divinity; and formerly also Albruna and many others were venerated, though not out of servility nor as though they were deified mortals.

IX. Among the gods they worship Mercury most of all, to whom it is lawful to offer human sacrifices also on stated days.[2] Hercules and Mars they placate by the sacrifice of worthy animals. Some of the *Suebi* sacrifice to Isis. The reason for this foreign rite and its origin I have not discovered, except that the image fashioned like a galley shows that the cult has been introduced from abroad. On the other hand they hold it to be inconsistent with the sublimity of the celestials to confine the gods in walls made by hands, or to liken them to the form of any human countenance. They consecrate woods and sacred groves to them and give the names of the deities to that hidden mystery which they perceive by faith alone.

X. They pay as much attention as any people to augury and lots. The method of casting lots is uniform. They cut off a branch from a fruit-bearing tree[3] and divide it into small wands marked with certain characters. These they throw at random on a white cloth. Then the priest of the tribe, if it is a matter concerning the community, or the father of the family in case it is a private affair, calling on the gods and keeping his eyes raised toward the sky, takes up three of the lots, one at a time, and then interprets their meaning according to the markings before mentioned. If they have proven unfavorable there can be no further consultation that day concerning that particular matter; but if they are favorable, the confirmation of auspices is further demanded. Even the practice of divination from the notes and flight of birds is known; but it is peculiar to this people to seek omens and warnings from horses also. These sacred animals are white and never defiled by labor, being kept at public expense in

[1] Cf. Caesar B. G. I. 50.

[2] The identification of German with Roman deities was natural for Tacitus, but arbitrary and without sufficient grounds.

[3] Elder, beech, oak, etc., might be included under this designation.

the holy groves and woods. They are yoked to the sacred chariot by the priest and the king or chief of the tribe, who accompany them and take note of their neighing and snorting. In no other kind of divination is there greater confidence placed either by the common people or by the nobles; for the priests are considered merely the servants of the gods, but the horses are thought to be acquainted with their counsels. They have another sort of divination whereby they seek to know the result of serious wars. They secure in any way possible a captive from the hostile tribe and set him to fight with a warrior chosen from their own people, each using the weapons of his own country. The victory of the one or the other is accepted as an indication of the result of the war.

XI. Concerning minor matters the chiefs deliberate, but in important affairs all the people are consulted, although the subjects referred to the common people for judgment are discussed beforehand by the chiefs. Unless some sudden and unexpected event calls them together they assemble on fixed days either at the new moon or the full moon, for they think these the most auspicious times to begin their undertakings. They do not reckon time by the number of days, as we do, but by the number of nights. So run their appointments, their contracts; the night introduces the day, so to speak. A disadvantage arises from their regard for liberty in that they do not come together at once as if commanded to attend, but two or three days are wasted by their delay in assembling. When the crowd is sufficient they take their places fully armed. Silence is proclaimed by the priests, who have on these occasions the right to keep order. Then the king or a chief addresses them, each being heard according to his age, noble blood, reputation in warfare and eloquence, though more because he has the power to persuade than the right to command. If an opinion is displeasing they reject it by shouting; if they agree to it they clash with their spears. The most complimentary form of assent is that which is expressed by means of their weapons.

XII. It is also allowable in the assembly to bring up accusations, and to prosecute capital offenses. Penalties are distinguished according to crime. Traitors and deserters are hung to trees. Weaklings and cowards and those guilty of infamous crimes are cast into the mire of swamps with a hurdle placed over their heads.[1] This difference of penalty looks to the distinction that

[1] In which stones could be thrown to cause them to sink.

crime should be punished publicly while infamy should be hidden out of sight. Lighter offences also are punished according to their degree, the guilty parties being fined a certain number of horses or cattle. A part of the fine goes to the king or the tribe, part to the injured party or his relatives.[1] In these same assemblies are chosen the magistrates who decide suits in the cantons and villages. Each one has the assistance of a hundred associates as advisers and with power to decide.

XIII. They undertake no business whatever either of a public or a private character save they be armed. But it is not customary for any one to assume arms until the tribe has recognized his competence to use them. Then in a full assembly some one of the chiefs or the father or relatives of the youth invest him with the shield and spear. This is the sign that the lad has reached the age of manhood; this is his first honor. Before this he was only a member of a household, hereafter he is a member of the tribe. Distinguished rank or the great services of their parents secure even for mere striplings the claim to be ranked as chiefs. They attach themselves to certain more experienced chiefs of approved merit; nor are they ashamed to be looked upon as belonging to their followings. There are grades even within the train of followers assigned by the judgment of its leader. There is great rivalry among these companions as to who shall rank first with the chief, and among the chiefs as to who shall have the most and the bravest followers. It is an honor and a source of strength always to be surrounded by a great band of chosen youths, for they are an ornament in peace, a defence in war. It brings reputation and glory to a leader not only in his own tribe but also among the neighboring peoples if his following is superior in numbers and courage; for he is courted by embassies and honored by gifts, and often his very fame decides the issue of wars.

XIV. When they go into battle it is a disgrace for the chief to be outdone in deeds of valor and for the following not to match the courage of their chief; furthermore for any one of the followers to have survived his chief and come unharmed out of a battle is life-long infamy and reproach. It is in accordance with their most sacred oath of allegiance to defend and protect him and to ascribe their bravest deeds to his renown. The chief fights for victory; the men of his following, for their chief. If the tribe to

[1] In case the offense was homicide.

which they belong sinks into the lethargy of long peace and quiet many of the noble youths voluntarily seek other tribes that are still carrying on war, because a quiet life is irksome to the Germans and they gain renown more readily in the midst of perils, while a large following is not to be provided for except by violence and war. For they look to the liberality of their chief for their war-horse and their deadly and victorious spear; the feasts and entertainments, however, furnished them on a homely but liberal scale, fall to their lot as mere pay. The means for this bounty are acquired through war and plunder. Nor could you persuade them to till the soil and await the yearly produce so easily as you could induce them to stir up an enemy and earn glorious wounds. Nay even they think it tame and stupid to acquire by their sweat what they can purchase by their blood.

XV. In the intervals of peace they spend little time in hunting but much in idleness, given over to sleep and eating; all the bravest and most warlike doing nothing, while the hearth and home and the care of the fields is given over to the women, the old men and the various infirm members of the family. The masters lie buried in sloth by that strange contradiction of nature that causes the same men to love indolence and hate peace. It is customary for the several tribesmen to present voluntary offerings of cattle and grain to the chiefs which, though accepted as gifts of honor, also supply their wants. They are particularly delighted in the gifts of neighboring tribes, not only those sent by individuals, but those presented by states as such,—choice horses, massive arms, embossed plates and armlets. We have now taught them to accept money also.

XVI. It is well known that none of the German tribes live in cities, nor even permit their dwellings to be closely joined to each other. They live separated and in various places, as a spring or a meadow or a grove strikes their fancy. They lay out their villages not as with us in connected or closely-joined houses, but each one surrounds his dwelling with an open space, either as a protection against conflagration or because of their ignorance of the art of building. They do not even make use of rough stones or tiles. They use for all purposes undressed timber, giving no beauty or comfort. Some parts they plaster carefully with earth of such purity and brilliancy as to form a substitute for painting and designs in color. They are accustomed also to dig out subter-

ranean caves which they cover over with great heaps of manure as a refuge against the cold and a place for storing grain, for retreats of this sort render the extreme cold of their winters bearable and, whenever an enemy has come upon them, though he lays waste the open country he is either ignorant of what is hidden underground or else it escapes him for the very reason that it has to be searched for.

XVII. Generally their only clothing is a cloak fastened with a clasp, or if they haven't that, with a thorn; this being their only garment, they pass whole days about the hearth or near a fire. The richest of them are distinguished by wearing a tunic, not flowing as is the case among the Sarmatians and Parthians, but close-fitting and showing the shape of their limbs. There are those, also, who wear the skins of wild beasts, those nearest the Roman border in a careless manner, but those further back more elegantly, as those do who have no better clothing obtained by commerce. They select certain animals, and stripping off their hides sew on them patches of spotted skins taken from those strange beasts that the distant ocean and the unknown sea bring forth. The women wear the same sort of dress as the men except that they wrap themselves in linen garments which they adorn with purple stripes and do not lengthen out the upper part of the tunic into sleeves, but leave the arms bare the whole length. The upper part of their breasts is also exposed. However, their marriage code is strict, and in no other part of their manners are they to be praised more than in this. For almost alone among barbarian peoples they are content with one wife each, excepting those few who because of their high position rather than out of lust enter into more than one marriage engagement.

XVIII. The wife does not bring a dowry to the husband, but the husband to the wife. The parents and relatives are present at the ceremony and examine and accept the presents,—gifts not suited to female luxury nor such as a young bride would deck herself with, but oxen, a horse and bridle and a shield together with a spear and sword. In consideration of these offerings the wife is accepted, and she in her turn brings her husband a gift of weapons. This they consider as the strongest bond, these as their mystic rites, their gods of marriage. Lest the woman should think herself excluded from aspiring to share in heroic deeds and in the dangers of war, she is admonished by the very initiatory

ceremonies of matrimony that she is becoming the partner of her husband's labors and dangers, destined to suffer and to dare with him alike in peace and in war. The yoke of oxen, the caparisoned horse, the gift of arms, give this warning. So must she live, so must she die. What things she receives she must hand down to her children worthy and untarnished and such that future daughters-in-law may receive them and pass them on to her grandchildren.

XIX. Thus they live in well-protected virtue, uncorrupted by the allurements of shows or the enticement of banquets. Men and women alike know not the secrecy of correspondence. Though the race is so numerous, adultery is very rare, its punishment being immediate and inflicted by the injured husband. He cuts off the woman's hair in the presence of her kinsfolk, drives her naked from his house and flogs her through the whole village. Indeed, the loss of chastity meets with no indulgence; neither beauty, youth nor wealth can procure the guilty woman a husband, for no one there laughs at vice, nor is corrupting and being corrupted spoken of as the way of the world. Those tribes do better still where only the virgins marry and where the hope and aspiration of married life is done with once for all. They accept one husband, just as they have one body and one life, that they may have no thought beyond this, no further desire; that their love may be as it were not for the married state, but for the husband.[1] To limit the number of children or to put any of the later children to death is considered a crime, and with them good customs are of more avail than good laws elsewhere.

XX. In every household the children grow up naked and unkempt into that lusty frame and those sturdy limbs that we admire. Each mother nurses her own children; they are not handed over to servants and paid nurses. The lord and the slave are in no way to be distinguished by the delicacy of their bringing up. They live among the same flocks, they lie on the same ground, until age separates them and valor distinguishes the free born. The young men marry late and their vigor is thereby unimpaired. Nor is the marriage of girls hastened. They have the same youthful vigor, the same stature as the

[1] This emendation of the text is that proposed by Gudeman in his edition of the *Germania*.

young men. Thus well-matched and strong when they marry, the children reproduce the robustness of their parents. An uncle shows the same regard for his sister's children as does their own father. Some tribes consider this relationship more sacred and binding than any other, and in taking hostages lay special stress upon it on the ground that they secure thus a stronger hold on the mind and a wider pledge for the family. A man's heirs and successors, however, are his own children, and no wills are made. If there are no children the next heirs are the brothers, then come the paternal and maternal uncles. The more relatives a man has and the greater the number of his connections, the more honored is his old age. Childlessness has no advantages.

XXI. A German is required to adopt not only the feuds of his father or of a relative, but also their friendships, though the enmities are not irreconcilable. For even homicide is expiated by the payment of a certain number of cattle, and the whole family accept the satisfaction, a useful practice as regards the state because feuds are more dangerous where there is no strong legal control.

No other race indulges more freely in entertainments and hospitality. It is considered a crime to turn any mortal man away from one's door. According to his means each one receives those who come with a well furnished table. When his food has been all eaten up, he who had lately been the host becomes the guide and companion of his guest to the next house, which they enter uninvited. There is no distinction between guests; they are all received with like consideration. No one makes any difference between friend and stranger so far as concerns the rights of hospitality. If the guest on going away asks for any gift, it is customary to grant it to him, and the host on his side feels the same freedom from constraint in making a request. They take great pleasure in presents, but they do not reckon them as favors nor do they put themselves under obligations in accepting them.

XXII. As soon as they awake from sleep, which they prolong till late in the day, they bathe, usually in warm water as their winter lasts a great part of the year. After the bath they take food, each sitting in a separate seat and having a table to himself. Then they proceed to their business or not less often to feasts, fully armed. It is no disgrace to spend the whole day and night in drinking. Quarreling is frequent enough as is natural among

drunken men, though their disputes are rarely settled by mere wrangling but oftener by bloodshed and wounds. Yet it is at their feasts that they consult about reconciling enemies, forming family alliances, electing chiefs, and even regarding war and peace, as they think that at no other time is the mind more open to fair judgment or more inflamed to mighty deeds. A race without natural or acquired cunning still continues to disclose the secret thoughts of the heart in the freedom of festivity. Therefore at such a time the minds of all are free and unconstrained. On the next day the matter is reconsidered and a particular advantage is secured on each occasion. They take counsel when they are unable to practice deception; they decide when they cannot be misled.

XXIII. A liquor for drinking bearing a certain resemblance to wine is made by the process of fermentation from barley or other grain. Those next the border also buy wine. Their food is of a simple kind, wild fruit, fresh game or curdled milk. They satisfy their hunger without elaborate preparation and without the use of condiments. In the matter of thirst they do not use the same temperance. If you should indulge their love of drink by furnishing them as much as they wanted, they might be conquered more easily by their vices than by arms.

XXIV. As to games, but one and the same kind is seen in all their gatherings. Naked youths who make profession of this exhibition leap and dance among swords and spears that threaten their lives. Constant practice has given them skill, skill has given grace. Still they do not indulge in this pastime with a view to profit. The pleasure of the spectators is the reward for their recklessness, however daring. They indulge in games of chance, strange as it may seem, even when sober, as one of their serious occupations, with such great recklessness in their gains and losses that when everything else is gone they stake their liberty and their own persons on the last and decisive throw. The loser goes into voluntary slavery. Though he may be the younger and stronger of the two, he suffers himself to be bound and led away. Such is their stubbornness in a bad practice. They themselves call it honor. They sell slaves of this description to others that they may not feel the shame of such a success.

XXV. But they do not employ slaves as we do with distinct functions prescribed throughout the establisment. Each has his

own domicile and rules his own house. The lord exacts a certain amount of grain or cloth or a certain number of cattle as in the case of a tenant and this is the extent of his servitude. Other duties, those of the household, are performed by the lord's wife and children. To beat a slave or to punish him with chains and task work is rare. They occasionally kill one, not in the severity of discipline but impetuously and in sudden wrath as they would kill an enemy, except that the deed goes without punishment. Freedmen do not rank much above slaves; they are not of much account in the household and never in the state, except only in those tribes that are ruled by kings. For there they are elevated above the free born and the nobles. The inferior position of the freedman elsewhere is the mark of the free state.

XXVI. To trade with capital and to let it out at interest is unknown, and so it is ignorance rather than legal prohibition that protects them. Land is held by the villages as communities according to the number of the cultivators, and is then divided among the freemen according to their rank. The extent of their territories renders this partition easy. They cultivate fresh fields every year and there is still land to spare. They do not plant orchards nor lay off meadow-lands nor irrigate gardens so as to require of the soil more than it would naturally bring forth of its own richness and extent. Grain is the only tribute exacted from their land, whence they do not divide the year into as many seasons as we do. The terms winter, spring and summer have a meaning with them, but the name and blessings of autumn are unknown.

XXVII. There is no pomp in the celebration of their funerals. The only custom they observe is that the bodies of illustrious men should be burned with certain kinds of wood. They do not heap garments and perfumes upon the funeral pile. In every case a man's arms are burned with him, and sometimes his horse also. They believe that stately monuments and sculptured columns oppress the dead with their weight; the green sod alone covers their graves. Their tears and lamentations are quickly laid aside; sadness and grief linger long. It is fitting for women to mourn, for men to remember.

Such are the facts I have obtained in general concerning the origin and customs of the Germans as a whole. Now I will mention the institutions and rites of the separate tribes in so far as they differ from one another, and speak of the nations that have wandered over into Gaul.

XXVIII. That prince of writers, the divine Julius, relates that in former times the Gauls were more powerful than the Germans, and so we may believe that they too have crossed over into Germany; for, whenever a tribe grew strong, how much of an obstacle would a river furnish to its occupying territory as yet unappropriated and not partitioned among powerful kingdoms, or of again exchanging such possessions for others? Therefore it was that the *Helvetii* occupied the land between the Hercynian forest, the Rhine and the Main, and the *Boii*, another Gallic tribe, the land further on. The name *Boihæmum*[1] remains to this day and attests the old tradition of the place, although the inhabitants have changed. But whether the *Aravisci* migrated into Pannonia from the *Osi*, or the *Osi* migrated into Germany from the *Aravisci*, is uncertain, though they have the same language, institutions and customs; for originally on account of the equal poverty and equal freedom on either bank of the river there was no choice between them. The *Treverii* and *Nervii* go so far as to pride themselves on their claim to a German origin as though to be freed by the glory of such a relationship from the disgrace of Gallic effeminacy. People of undoubted German blood occupy the Rhine bank itself—the *Vangiones*, the *Triboci* and the *Nemetes*. Not even the *Ubii*, though they have earned the right to be known as a Roman colony and prefer to be called *Agrippinenses* from the name of their founder, blush at their German origin. In former times they crossed over and by reason of their tried loyalty were settled on the bank of the Rhine as worthy to guard it, but not needing to be watched themselves.

XXIX. Of all these tribes the *Batavi*, who cover not much of the river front, but inhabit an island in the Rhine itself, are especially distinguished by their valor. Once a division of the *Chatti*, they came across to these possessions on account of a domestic uprising and were destined to become here a part of the Roman empire. They retain certain honors as evidence of an ancient alliance; for they are neither insulted by tribute nor ground down by the tax-farmer. Exempt from burdens and imposts and set apart for employment as warriors only, they are reserved for our wars like a magazine of arms and weapons. The *Mattiaci* hold the same relationship to us, for the greatness of Rome has spread the reverence for her empire beyond the Rhine and beyond

[1] *I. e.*, Boier Heimat.

her ancient boundaries. And so, though their territories are on the other side of the river, they are united to us in sentiment and purpose, resembling the *Batavi* in all things except that they are still more warlike because of the soil and climate of their land.

I should not enumerate among the peoples of Germany those who, though they live on the other side of the Rhine and Danube, cultivate the tithe-lands. The most worthless of the Gauls, made reckless by poverty, occupied these lands of uncertain ownership. After a little, the frontier line being advanced and forts erected, they were reckoned as an outpost of the empire and a part of the province of Upper Germany.

XXX. Beyond these are the *Chatti.* Their settlements begin at the Hercynian Forest, where the land is less level and swampy than in the other regions comprehended within the limits of Germany; for the hills last through their territory and then gradually disappear, and the Hercynian Forest accompanies its native *Chatti* till it has seen the last of them. This tribe have very powerful bodies, close-knit limbs, fierce looks and great activity of mind. For Germans they show intelligence and cleverness. They choose their leaders and obey them; they know their places in the ranks; they notice opportunities and wait for the right moment of attack; they map out the day according to what they have to do, and at night fortify their camps; they hold luck as uncertain, courage a sure means of success; and, what is very unusual except in the case of Roman discipline, they place more reliance on their leader than on the army. Their entire strength lies in their infantry which they furnish with intrenching tools and provisions besides their regular arms. You see other Germans setting out to fight a battle, the *Chatti*, however, to conduct a campaign. They rarely engage in sudden dashes and chance battles. And this may well be so, for it is the peculiarity of cavalry to yield a victory as easily as they win one. Fleetness is allied to timidity, deliberateness is nearer to steadiness.

XXXI. A practice occasionally found among the other German peoples as a mark of individual daring has become universal among the *Chatti;* namely, when they have arrived at manhood they let the hair and beard grow wild and unkempt, nor will they trim them and thus lay aside the peculiar aspect which devotes and pledges them to valor until they have killed their man. Over

the blood and spoils of an enemy they bare their faces for the first time, and not till then do they feel that they have paid the price of their birth and shown themselves worthy of their parents and their country. Weak and cowardly men remain unshorn. The very bravest wear, besides, an iron ring (a mark of great infamy with that tribe) as a token of bondage until they have freed themselves by the killing of an enemy. Very many of the *Chatti* take pride in appearing in this fashion and are thus marked out for distinction among enemies and friends alike until they become grey-headed old men. These are the ones who begin all the battles; they form the first line of attack, an unusual spectacle. And they are a strange sight at other times, too, for even in peace they do not soften themselves by a less fierce mode of life. They have no houses nor fields nor occupation of any kind. They are supported by whomsoever they choose to visit, being as lavish with the possessions of another as they are prodigal of their own, until the weakness of old age renders them unequal to such harsh and heroic discipline.

XXXII. Next to the *Chatti* dwell the *Usipii* and *Tencteri* along the Rhine which here has a fixed channel and is fitted to form a boundary. The *Tencteri* over and above ordinary warlike skill excel in horsemanship. The renown of the infantry of the *Chatti* is not greater than that of the cavalry of the *Tencteri*. The reputation thus established by the ancestors is maintained by their descendants. Horsemanship forms the sport of the children and the rivalry of the youths, while among the old men its practice is still kept up. Horses are considered as part of the household and the domestic establishment and as subjects of rightful inheritance. The son who receives the horse is not the oldest, to whom the other property goes, but the fiercest and bravest.

XXXIII. The *Bructeri* once lived next the *Tencteri*. But now the story is told that the *Chamavi* and *Angrivarii* entered their territories, drove them out and almost[1] annihilated them with the consent of the neighboring nations, either because of the hatred inspired by their pride or through love of plunder. This was a special favor and kindness of the gods towards us. They did not even grudge us the sight of the battle. Above sixty thousand men fell, not beneath the arms of Roman soldiers but, what is grander, for their delight and pleasure. I pray

[1] See Gudeman.

there may continue to exist among these tribes, if not a love for us, at least a hatred for each other, since, while the destinies of the empire drive us on, fortune can offer us nothing better than the discord of our enemies.

XXXIV. The *Angrivarii* and *Chamavi* are enclosed by the *Dulgubiin*, the *Chasuarii* and other tribes hardly worthy of mention on the east, and by the *Frisii* on the west. The latter are spoken of as the Greater and Lesser *Frisii*, according to the measure of their strength. The two tribes are bordered by the Rhine clear to the ocean, and dwell besides around great lakes that are navigable to Roman fleets. We have even ventured upon the ocean itself in that quarter. Rumor has it that pillars of Hercules still exist there, though whether Hercules ever visited those parts or whether we are inclined to assign to his glory whatever is sublime in any part of the world, I will not say. Drusus Germanicus dared these perils, but the ocean forbad the exploration of its own waters or of the works of Hercules. Afterwards none ventured so far, as it seemed more in accordance with piety and reverence to believe in the great deeds of the gods rather than to inquire into them.

XXXV. So far we have been speaking of western Germany. To the north its territories extend back in a great sweep. First comes the tribe of the *Chauci*, which, though it is bounded on one side by the *Frisii* and occupies a part of the coast, extends along the frontiers of all the tribes I have been mentioning, and finally extends south to the *Chatti*. So great an extent of territory is not only held in possession, but thickly populated also by the *Chauci*, the noblest of the German people, for they prefer to maintain themselves by just dealings. Without cupidity and without insolence, quiet and retired, they stir up no wars nor ravage the lands of others with rapine and robbery. It is a mark of their valor and the sign of their strength that they do not need to practice aggressions in order that they may stand pre-eminent. Nevertheless, arms are ready at the hands of every man, and when occasion requires, an organized army strong in horse and foot is forthcoming. When they are at peace their renown is the same.

XXXVI. By the side of the *Chauci* and *Chatti* are the *Cherusci*, who being undisturbed indulged in a long and enervating peace. This was pleasanter than it was safe, for between lawless and

powerful neighbors it is a mistake to think of repose. Where the strong hand rules, moderation and justice are titles becoming only to the more powerful. And so those who were formerly called the good and upright *Cherusci* are now spoken of as cowards and fools. When the *Chatti* were victorious their good luck went for wisdom. Dragged into the ruin of the *Cherusci*, the *Fosi* also, a neighboring tribe, shared equally their misfortunes, though in prosperous days they had been inferior to them.

XXXVII. The same neck of land is occupied by the *Cimbri*, now a small tribe, but of great renown. Vestiges of their ancient power still remain in the shape of great camps on either bank of the Rhine, and by their extent you can judge of the multitude of hands that were at work, and how credible is the story of their mighty emigration. Our city was in its six hundred and fortieth year when the report of the Cimbric invasion came to our ears in the consulship of Metellus and Papirius Carbo. Reckoning from this time to the second consulship of the Emperor Trajan, about two hundred and ten years are summed up.[1] So long has our so-called conquest of Germany taken us. During this extended period the losses have been great on both sides. Neither the Samnites nor the Carthaginians, the two Spains nor the Gauls, nor even the Parthians themselves, have oftener threatened our power. Truly, the liberty of the Germans is a fiercer menace than the Arsacid despotism. For with what else can the East taunt us save the destruction of Crassus, and that, too, counterbalanced by the fall of Pacorus overthrown by a Ventidius? But the Germans by defeating or capturing Carbo and Cassius, Scaurus Aurelius and Servilius Caepio and Gnaeus Mallius, have deprived the Roman people of five consular armies in one war, and taken Varus and his three legions even from Cæsar. Nor was it without loss that C. Marius defeated them in Italy, the divine Julius in Gaul, and Drusus, Nero and Germanicus in their own land. Afterwards the mighty threats of Gaius Cæsar were turned to ridicule. Then there was quiet until on occasion of our discord and civil war they stormed the winter camp of the legions and even laid claim to the provinces of Gaul. And now they have been again repulsed in recent times, though it was less a defeat for the enemy than an excuse for a triumph in Rome.

XXXVIII. Now we must speak of the *Suebi*, who are not one

[1] This passage fixes the date of the *Germania* at A. D. 98.

tribe as is the case with the *Chatti* and *Tencteri;* for they possess the greater part of Germany and are besides divided into nations having each its own name, though all have the common appellation of *Suebi.* A characteristic of these people is that they comb back the hair on each side and gather it in a knot below. In this manner the *Suebi* are distinguished from the other Germans, and the free *Suebi* from their slaves. Among other tribes, either on account of some relationship to the *Suebi* or, as often happens, in imitation of them, the practice also obtains, but it is rare and confined to youths. Among the *Suebi,* however, even till old age they continue to fasten back their unkempt hair, and often they knot it on the very top of the head. The chiefs arrange their hair still more ornately. This comes from their care for their personal appearance, but it is not mere vanity; for they do not adorn themselves in order to enter the lists of love, but they thus add to their height that they may appear more terrible to the eyes of the enemy when going into battle.

XXXIX. They say the *Semnones* are the oldest and noblest of the Suebian tribes. The belief in their antiquity is confirmed by a religious institution. At a fixed time all the people of the same blood are assembled through their representatives in a grove hallowed by the sacred rites of their ancestors and by ancient reverence, where they publicly sacrifice a human being and celebrate the horrible initiatory rites of barbarism. Another form of reverence paid to this grove is that no one dare enter it unless he be bound by a cord, as outwardly acknowledging himself a subject of the god and under his power. If he falls down by chance he is not permitted to rise to his feet or to be lifted up, but must roll away on the ground. This whole superstition rests on the belief that from this place the race took its origin, that there dwells the god, the ruler of all things, to whom everything is subject and obedient. Their good fortune gives the *Semnones* further consideration. A hundred cantons are occupied by them, and their great numbers cause them to regard themselves as the head of the Suebian race.

XL. On the other hand the small number of their people gives distinction to the *Langobardi.* Surrounded by numerous powerful tribes, they maintain their position not by submission but by the risks of battle. Beyond them the *Rendigni, Aviones, Anglii, Varini, Eudoses, Suardones* and *Nuithones* are protected by their rivers and forests. There is nothing worthy of note among these

various tribes except their common worship of Nerthus, that is, Mother Earth, and their belief that she intervenes in human affairs and visits mankind. On a certain island of the ocean there is a sacred grove wherein is a chariot dedicated to her, protected by a covering. Only one priest is allowed to touch it. He knows when the goddess takes her place in the sacred car, and walks beside her with great reverence as she is drawn along by heifers. It is a time of rejoicing whenever she approaches and festivities reign wherever she deigns to be received. At such a time they undertake no wars and arms are laid aside. Every weapon is locked up. Then only is quiet to be noticed among these people; then only do they love peace, until the goddess wearied with human intercourse is conducted back to her temple by the priest. Then the chariot and its coverings and, if you care to believe it, the divinity herself, are purified in a secret lake. Slaves attend to this, who are immediately swallowed up by the same waters. Hence comes a mysterious fear and pious ignorance, since they only who are about to die see what the mysteries are.

XLI. This division of the *Suebi* extends back in fact into the remoter parts of Germany. Nearer to us (I shall now follow the course of the Danube as I previously did that of the Rhine) are situated the *Hermunduri*, a tribe friendly to the Romans. Consequently they are the only Germans who trade not only on the river bank but far within the province of Rhaetia and with its most flourishing colony. They travel about everywhere without a guard, and while we show to the other tribes only our arms and fortified camps, we freely throw open our homes and our villas to these, knowing that they do not covet them. In the territory of the *Hermunduri* the Elbe takes its rise, a famous river, once well known though now we only hear of it.

XLII. Next the *Hermunduri* are found the *Naristi*, and further on the *Marcomani* and *Quadi*. The *Marcomani* are distinguished for their strength and renown, and even their territory was won from the *Boii*, whom they drove out by their valor. Nor do the *Naristi* and *Quadi* fall below them. And these are, as it were, the front presented to the empire by Germany, so far as it is girdled by the Danube. Up to our own time the *Marcomani* and *Quadi* continued to be ruled over by kings of their own race, of the noble family of Maroboduus and Tudrus (now they submit even to kings from other tribes), but the force and

power of their kings is derived from Roman support. They are rarely assisted by our arms, but often enough by subsidies from us, which are no less efficacious.

XLIII. Back of the *Marcomani* and *Quadi* the *Marsigni*, *Cotini*, *Osi* and *Buri* close up the rear. Of these the *Marsigni* and *Buri* from their language and mode of life are reckoned among the *Suebi*. The Gallic speech of the *Cotini* and the Pannonian language of the *Osi* prove that they are not Germans, as does the fact that they submit to tribute. A part of this tribute is laid by the *Quadi* as upon an alien race, a part by the Sarmatians. What makes it a more shameful position for the *Cotini* is that they work iron mines. All these people occupy but little level country, but rather the forests and the summits of the mountains. For Suebia is divided and cut in two by a continuous mountain range, beyond which dwell a great many tribes. Among these the name of *Lugii* is most widely used and is spread over many states. It is sufficient to name the most powerful, the *Harii Helveconæ*, *Monimi*, *Elisii* and *Nahanarvali*. In the land of these last people is found a grove sacred to an ancient worship over which presides a priest in female attire. But the gods are called according to the Roman interpretation Castor and Pollux. Such at least are the attributes of their divinity, though they use the name Alcis.[1] They have no images, nor is there any trace of non-German superstition, but they are venerated under the form of youths and brothers. The *Harii*, however, not only surpass the tribes above mentioned in strength, but fierce as they are, add to the effect of their innate wildness by art and opportunity. Their shields are black, their bodies painted. They choose the darkest nights for their forays, and by their very appearance, terrific and shadowy, they strike the terror of an army of spectres on their foes, who cannot sustain their strange and hellish aspect. For in battle it is the eye that is first vanquished.

XLIV. Beyond the *Lugii* dwell the *Gotones*, whose kings govern them at present rather more strictly than is the case with the other German tribes, though not yet in such a way as to overpower freedom. Immediately bordering on the ocean are the

[1] Whether this form is dative plural or nominative singular or plural is a disputed point.

Rugii and *Lemovii*. The round shield and short sword distinguish all these tribes, and they obey kings.

Further north, in the very midst of the ocean, dwell the tribes of the *Suiones*, whose strength lies in ships as well as in men and arms. The form of their vessels is peculiar in this respect that their double prows make it possible for them to be always run ashore either end first. They do not employ sails, nor are the oars fixed to the side so as to form a regular row. As is the case in some rivers, the oars are loose and can be changed to any position as occasion demands. These people pay respect to wealth also, and they are therefore ruled by one man with unlimited power, as his claim to obedience does not rest on mere sufferance. Arms are not to be found in every man's hands, as among the other Germans, but are kept locked up in charge of a keeper, a mere slave, because the ocean prevents any sudden hostile invasion, while armed men with nothing to do easily get into trouble. And certainly it is a piece of royal policy not to place a noble or a free-born man, nor even a freedman, in charge of the arms.

XLV. Beyond the *Suiones* is another sea, sluggish and almost motionless, by which the circle of the earth is believed to be bound and enclosed, for the reason that the last gleam of the setting sun lingers till sunrise so bright that the stars are dimmed. They would persuade us moreover that the sound of the sun at its rising can be heard, and the forms of his horses and the radiance about his head be seen. Up to this point only (and here we may believe the report) does the world extend. Therefore, to go back, close on the right shore of the Suebic sea the tribes of the *Aestii* are washed by its waters. Their customs and outward appearance are those of the *Suebi*, but their language is like that of Britain. They worship the mother of the gods, and wear as the symbol of their cult the figure of a wild boar. This serves for arms and for universal protection, and renders the votary of the goddess secure even among enemies. The people generally use clubs for weapons as iron is rare. They cultivate grain and other produce more perseveringly than is usual with the lazy Germans. But they also search the deep and are the only Germans to hunt beneath the waves and on the shore for amber, which they themselves call *glaesum*. Being barbarians, they do not seek to find out what process of nature produced it. Nay, it even lay a long time unused among the other refuse on shore until

our luxury gave it a value. They make no use of it. It is found and brought to us in rude and shapeless masses, and they wonder at our paying a price for it. However, it is known to be the gum of trees, because certain creeping and winged creatures often appear in it which, having been caught in these juices, were enclosed by them when they afterwards grew hard. As in the remote regions of the East there are more productive trees from which frankincense and balm exude, so I am disposed to believe that in the islands and mainland of the West there are substances which, acted upon by the rays of the nearby sun, flow into the neighboring sea and are cast up by the force of storms on the opposite shore. If you test the qualities of amber by putting a fire to it, it burns up like pine and gives a rich and fragrant flame; then it dissolves into a sort of pitch or resin.

The Sitonian tribes are adjacent to the *Suiones*. Like the latter in other respects, they yet differ in one way, for they are ruled by a woman; so far do they fall below the condition not only of freemen, but even of slaves.

XLVI. Here Suebia ends. As to the *Peucini*, the *Venedi* and the *Fenni*, I am uncertain whether to count them among the Germans or Sarmatians, although the *Peucini*, who are sometimes called *Bastarnæ*, resemble the Germans in their language and manners, and in their mode of settlement and building houses. They all have a filthy appearance, and indolence is a characteristic of their leading men. On account of intermarriage with the Sarmatians they are becoming somewhat degraded to their likeness. The *Venedi* have assimilated many of the Sarmatian customs, for they wander in plundering bands over such forests and mountains as are to be found between the *Peucini* and the *Fenni*. Still they are rather to be reckoned among the Germans, for they build permanent dwellings, carry shields, and employ foot-soldiers in whose swiftness they place their trust. In all these points they differ from the Sarmatians, who live in wagons and on horse-back. The characteristics of the *Fenni* are their strange savagery and their sordid poverty. They have neither arms nor horses nor household gods. Their food is herbs, their garments, skins, their couch, the ground. Their only wealth consists of arrows, which for lack of iron they point with bones. Hunting furnishes food for the men and the women alike. The women accompany the men everywhere and lay

claim to a portion of the prey. The children have no other protection against storms and wild beasts than a covering formed by weaving the branches of trees loosely together. Hither the youths return from the hunt, here the old find a refuge. But they consider this a happier life than to sweat in the fields, to toil over house-building, or to traffic with their own or others' fortunes in the midst of hope and fear. With nought to fear from gods or men, they have attained that difficult position that they have no wishes to gratify. From this point on all is fabulous, as that the *Hellusii* and the *Oxionæ* have the faces and the looks of men, but the bodies and limbs of wild beasts, a story that I leave without comment, as I have no certain knowledge regarding it.

III. JOSEPHUS.

Flavius Josephus, born about 37, died after 100 A. D., was a Jew of a distinguished priestly family who took part in the great uprising in Judæa against the Romans 66–70 A. D. He was captured by Vespasian and his life being spared he became the latter's client. The remainder of his life was spent in Rome, where he wrote a history of the late Jewish war in seven books, a work on Jewish antiquities in twenty books, and various minor works. The best edition of his writings, which were composed in Greek or translated into that language from the Hebrew, is that of Niese, Berlin, 1895. There is no satisfactory English translation, that of Whiston being almost worthless.

CONDUCT OF THE GERMAN GUARDS ON THE MURDER OF CALIGULA.

Antiq. Jud. Lib. XIX. c. I. §§ 15, 17, 18. (*Greek.*)

15. * * * The Germans were the first to hear of Gaius' assassination. These were the Emperor's body guard, who took their name from the people from whom they were recruited, and were known as the Celtic legion. It is their nature to yield without restraint to the passion of the moment, a trait that they share in common with other barbarians, who take little thought of what they are about to do. Of great strength and wild courage, they do not hesitate to begin an attack on their enemies, and wherever they make their onslaught they perform mighty deeds. Now when these heard of Gaius' murder they were filled with grief, since they did not judge him according to his merits but by the benefits they had received; for he had purchased great favor in their eyes by his frequent largesses. So drawing their swords

they rushed through the palace searching for the murderers of the Caesar under the leadership of their tribune Sabinus, a man who had attained that position not through his own or his ancestors' merits (for he had been a gladiator), but because of his great bodily strength. The first man they met was Asprenas, on whose garments, as I have said above, the blood of the sacrificial offering had spurted, and so marked him out as one about to meet misfortune. Him they cut to pieces. The next they came upon was Norbanus, one of the most distinguished of the citizens, a man who numbered many generals among his ancestors. Since his rank won him no consideration, he made use of his great strength. Springing at the man who first attacked him, he wrenched the sword from him, determined to sell his life as dearly as possible. Finally he was surrounded by the maddened throng and fell pierced with many wounds. The third man was the senator Anteius, who fell in with the Germans, not by chance as the others had done, but led there by the desire of feasting his eyes on the lifeless corpse of Gaius in order to show his hatred. For the Emperor had driven the father of Anteius, who bore the same name, into exile, and not content with that had sent out soldiers to put him to death. For this reason Anteius had now come to enjoy the spectacle. Since, however, the palace was in such turmoil, he thought to conceal himself in a dark recess; but he did not escape the Germans, who searched every place carefully and slew with equal savageness the guilty and the innocent. Thus perished these men.

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17. But when the German guard surrounded the theatre with drawn swords, the spectators all feared for their lives, and at the entrance of any one, whoever he might be, they began to tremble as though at that very instant they felt the blade at their throats. They were in great doubt what to do, not daring to go out and yet believing it very dangerous to remain longer in the theatre. So when the Germans finally broke into the place, the air was filled with their cries. They begged the soldiers for their lives, protesting that they were ignorant of all that had transpired, that they knew nothing of the plans that had been laid for starting an insurrection, if indeed there was an insurrection, that they were ignorant of all that had happened. The soldiers should, therefore, spare them, nor inflict the penalty of other people's

crimes on those who were free from all guilt. They should allow inquiry to be made as to who had done the deed, whatever that deed might be. This and much more to the same effect the crowd uttered, crying out and beating their breasts, weeping and calling on the gods as their imminent danger urged. They spoke as one does who is engaged in a last struggle for life. On hearing these outcries the fury of the soldiers was appeased and they repented of what they had in mind to do to the spectators; for it was a ghastly sight, and so seemed even to them in their wild rage, when the heads of Asprenas and those who had perished with him were placed on the altar. * * * *

18. There was a certain man called Arruntius, a crier of goods and therefore of loud, sonorous voice, who in his wealth equalled the richest of the Romans, and who in whatever he wished had very great influence in the city both at that time and afterwards. This man having composed his countenance to grief as much as he was able (for, though he was the most hostile of all toward Gaius, he hid his feelings in order to do what fear and cunning suggested as necessary to his safety), assumed the garments of mourning as is customary on the death of a beloved friend, and proceeded to the theatre. Here he announced the death of Gaius, not suffering the crowd to remain longer in ignorance of what had happened. Then Arruntius made the round of the arena, addressing the soldiers, while their tribunes who were accompanying him ordered them to sheathe their swords and confirmed the news of Gaius' death. This rescued from danger those who were assembled there in the theatre as well as all who had by any chance fallen into the hands of the Germans. For while they still cherished the hope that Gaius might yet be alive, no violence was too great for them to commit. So great was their devotion to him that they would have been content even to give up their lives if only they might have protected him from plots and treachery and shielded him from so grave a calamity. When they had been convinced, however, of Gaius' death, they immediately stilled their wild outbreak, not only because their devotion and eagerness were no longer of any profit to them since he was now dead who would have rewarded them, but also because they feared that if they continued to do injury to those about them they would fall under the censure of the Senate in case the administration of affairs fell to that body. And so at length, though with difficulty,

was the madness that had fallen upon the Germans at the news of Gaius' murder brought to an end.

IV. AMMIANUS MARCELLINUS.

Ammianus Marcellinus, died subsequent to 380 A. D., was a native of Antioch. He was for many years an officer in the Roman army, where he gained considerable distinction, serving in Gaul as well as in the East. He was a friend and admirer of the Emperor Julian and accompanied the latter on his last Persian expedition. Not long after Julian's death Ammianus retired from the army and devoted himself to writing a continuation of the Histories of Tacitus which he called *Rerum gestarum libri*, extending from the beginning of Nerva's reign, 96 A. D., to the death of Valens, 378. The first thirteen books down to 353 have been lost, but the remaining eighteen give a very vivid picture of the rapid dissolution of the empire. This contemporary account is the most valuable source for the history of the period that has come down to us. Gibbon on reaching the reign of Theodosius remarks of him, "It is not without the most sincere regret that I must now take leave of an accurate and faithful guide, who has composed the history of his own times without indulging in the prejudices and passions which usually affect the mind of a contemporary." Owing probably to the fact that Greek was his native tongue, the Latin of Ammianus is difficult to translate, in places being almost unintelligable. A good edition is that of Gardthausen, Leipzig, 1874. There is a fair translation by Yonge in the Bohn's series, while the portion relating to the Germans is given by Coste in the *Geschichtsschreiber*.

DESCRIPTION OF A BATTLE BETWEEN JULIAN AND THE ALAMANNI NEAR STRASSBURG, IN 357 A. D.

Lib. XVI., xii. 20–62 (Latin).

20. When our leaders perceived the enemy already forming themselves into a compact wedge, they came to a halt and drew up the *Antepilani*, *Hastati* and *Primi ordinum* like a solid wall. With equal caution the wedge-shaped mass of the enemy held their ground. 21. And when they saw all the cavalry drawn up against them on our right wing just as the deserter I have previously mentioned had told them, they placed such cavalry force as they had in a dense body on their left wing. Scattered among them were foot-soldiers, light and active men fitted for the work they had to do. 22. For they knew that in a fight with our heavy cuirassiers, protected as they are by iron plates, holding reins and shield in one hand and wielding the spear with the other, their horsemen, however skillful, had no chance of success;

but a footman in the midst even of the greatest turmoil of battle, while each man is paying attention only to what is immediately before him, can creep along unseen, stab the horse in the side, and bring the incautious rider to the ground where it is an easy matter to finish him. 23. With their forces thus disposed on the left, they stationed their right wing in a secret ambush. All these fierce and warlike peoples were led by Chonodomar and Serapio, who excelled the other kings in power. 24. Chonodomar indeed was the instigator of the whole nefarious war. Above his head waved a flaming plume of hair. Fierce in aspect and trusting in the mighty strength of his arm he strode up and down before the left wing where the hottest fighting was to be looked for. Splendid as a foaming war-horse he brandished a spear of tremendous length and was to be distinguished from the others by the gleam of his arms. He was known as a vigorous soldier and as a leader skillful beyond all his compatriots. 25. The right wing was led by Serapio, a youth on whose cheeks the down was just beginning to sprout, but of courage surpassing his years. He was the son of Mederich, Chonodomar's brother, a most treacherous man during his lifetime. Serapio was so-called because his father who had been held for a long time in Gaul as a hostage had there learned certain Greek mysteries and so changed his son's name from Agenarch, which he had been called at birth, to Serapio. 26. There followed these two leaders, according to rank, 5 kings, 10 princes, a long list of nobles and 35,000 armed men of various tribes, part of whom served for pay, part on account of agreements of mutual support.

27. And now to the loud blare of the trumpets the Roman general Severus, who commanded the left wing, advanced close to the ditches filled with armed men whence the concealed enemy had arranged to burst suddenly out and throw everything into confusion. Here he fearlessly halted, for he had a suspicion of the ambush, and did not attempt either to fall back or to advance further. 28. The Cæsar observed this as, unruffled by the greatest exertions, he moved here and there surrounded by 200 horsemen wherever the hardest fighting demanded. Riding along the lines of foot soldiers at a rapid pace he exhorted them with encouraging words. * * * 34. Having thus encouraged his soldiers he drew up the greater part of the army opposite the first battle line of the barbarians. Then there suddenly arose among

the footmen of the Alamanni a loud and threatening outcry in which they demanded with one voice that their princes should dismount from their horses and fight on foot with the rest, so that if the army were defeated they might not have an easy means of escape while the common people were deserted and left to their fate. 35. As soon as Chonodomar heard this he sprang at once from his steed and the others following his example hastened to do likewise, for not one of them doubted but that their side would be victorious. 36. Thereupon with a stately flourish of trumpets the signal to open the battle was given on both sides and the great mass of men rushed at each other. Missile weapons flew in every direction and then the Germans in feverish haste, without stopping for further consideration, threw themselves upon the ranks of our cavalry, brandishing their spears in their right hands. With terrible outcries they came on, their bristling hair as it flowed in the wind making their appearance more savage than ever, and the fury of battle gleaming in their eyes. Our soldiers on the other hand stood firm holding their shields to protect themselves against the attack, and drawing their swords or shaking their spears they threatened death to the enemy. 37. In the very midst of the onset the cavalry bravely assumed squadron formation, while the foot guarded their own flanks with firmness and protected their front by a wall of shields in a way that showed their careful training. The dust arose in thick clouds as the struggling masses now resisting, now giving way, swayed here and there. Some of the barbarians, the most expert of their warriors, knelt down and sought to receive the attack of the enemy in this way, but the mighty rush of men bore them on to a hand to hand encounter. Shield smote against shield and the welkin rang with the exultant shouts of the conquering and the groans of the fallen. Our left pushing forward had by its fierce onslaught forced back the German lines and was advancing with loud shouts against the barbarians, when the cavalry who held the right wing were seen, contrary to all expectation, to be retreating in confusion, the first ranks falling back and throwing those behind into disorder, until they finally reformed behind the center of the legions and renewed the battle. 38. This panic was due to the fact that the cuirassiers while their lines were being arranged for the attack had their leader slightly wounded and also perceived one of their number overcome by the weight of his

armor fall over the neck of his horse. This threw them into a panic, and fleeing in every direction they trampled on the foot-soldiers and would have thrown everything into confusion had not these closed up and stood firm in a compact body. When the Cæsar saw the cavalry intent on nothing but safety, he spurred his horse to meet them and checked their flight. 39. He was recognized by the purple dragon-flag floating from the point of a long lance, which looked like the skin of an actual dragon. The tribune of one of the squadrons seeing this, halted in fear and trembling and turning galloped back to reform the line. 40. As he was accustomed to do in such crises the Cæsar upbraided them though not harshly and rallied the troops. * * * *

42. The Alamanni having thus defeated and driven back our cavalry rushed upon the first line of the infantry, thinking to overwhelm it without much resistance. 43. It came to hand-to-hand fighting and for a long time the battle raged without decisive results. For our *Cornuti* and *Bracchiati*, approved veterans of many a battle, already terrifying enough in aspect, raised their awful *barritum* or war-cry, which, rising in the fury of battle, increases gradually from a low growling sound till it rolls like the dashing of mighty waves on a rock-bound coast. Here and there flew the whizzing javelins till the air was thick with them, and the dust rose in clouds hiding everything from view. Sword clashed with sword and breast pressed against breast. 44. In blind wrath the wild and disorderly mob of barbarians threw themselves on the close-bound wall of shields that protected our men in the form of a *testudo*, and hewed their way through it with tremendous sword-strokes. 45. When they perceived this our allies, the Batavians, led by their kings, came on a run to the aid of their companions, chanting their fierce war-song. They were a formidable body of troops fitted to snatch victory from the very jaws of defeat, and the contest went on with renewed vigor. 46. But the Alamanni dashed headlong into the fight with fury gleaming in their faces, threatening to annihilate whatever was opposed to them. Darts and javelins and iron-pointed arrows filled the air, and now at close quarters the sword was drawn and corselet and breast-plate gave forth the life-blood of the soldiers as the keen blades pierced them. Even the wounded who had any strength remaining raised themselves from the ground and continued the contest. 47. The two sides were about evenly

matched, the Alamanni being robust and of great stature, our men trained in the use of arms; they wild and violent, ours cool and cautious; the barbarians trusting in their overwhelming strength of body, the Roman troops in their courage. 48. Wherever a Roman, embarrassed by the weight of his armor, was driven back he sought to regain the lost ground; and when a barbarian became exhausted he sank down on his left knee and during the pause taunted and reviled his enemy,—truly a sign of the utmost temerity. 49. And now from the ranks of the Germans there came suddenly bounding forward an eager band of nobles among whom were to be seen even kings, and followed by the crowd they broke through our lines and hewed their way clear to the legion of the *Primarii* who occupied the very key of our position at the center of the camp known as the *castra praetoria*. Here our close-packed ranks taking heart rallied and stood firm as a tower. They fought with skill, carefully protecting themselves from wounds after the manner of the Gallic gladiators, while the barbarians, who in the wild rage and madness of battle recklessly exposed their naked bodies, fell in great numbers by our swords.

50. In their invincible determination to break through the living bulwark of our lines they threw away their lives without an instant's hesitation. The dead lay in serried ranks beneath the blows of the Romans, who had now recovered spirit, but their places were filled at once by the survivors, though the groans of the dying filled them with horror. 51. At last overcome by their exertions and their losses they thought only of escape and fled in panic through the various paths and by-ways, just as sailors driven about by winds on the sea seek safety from the storm. But any one who was present might have seen that safety was something they were more likely to hope for than to attain. * * *

58. While these events were transpiring King Chonodomar found an opportunity to escape through the heaps of the slain and hastened with a few followers towards the camp which he had had the temerity to establish between the Roman towns of Tribunci and Concordia. Here he had concealed boats by means of which he had planned to escape across the river in case of such a misfortune as this. 59. Since he must cross the Rhine in order to get back to his own kingdom, he withdrew slowly from the battlefield, concealing his face that he might not be recognized.

When he was near the banks, as he was skirting a swampy place so as to come to the crossing, his horse slipped in the soft ground and threw him. As fast as his great weight permitted he hastened to the protection of a neighboring hill. Being recognized by the insignia of his rank, a tribune who had followed him closely with a cohort of troops immediately surrounded the hill, which was wooded, and arranged his men so as to make it impossible for any one to escape through the undergrowth. 60. Seeing this Chonodomar overcome by despair came forth and gave himself up. With him were his 200 followers, among them three sworn blood-friends to whom it was considered an eternal disgrace to survive their king or not to die for him if the occasion demanded it. These also surrendered themselves as conquered men. 61. And so, as is the nature of barbarians, who are humble in misfortune, haughty in success, the king was dragged along, the slave of another's will. Pallid with fear, his mouth closed by the knowledge of his crimes, how different a man was he from that one whose deeds had filled Gaul with sorrow and terror, and who had threatened the land with fire and sword!

ROMAN POLICY TOWARDS THE GERMANS. 370 A. D.

Liber XXVIII., v., 1–9.

1. In the third consulate of the Emperor Valentinian a large band of Saxons came over the ocean and made an attack on the Roman boundary wall, laying waste the country with fire and sword. The first shock of this invasion was borne by Count Nannenus, the commander in that region, a careful and experienced veteran. 2. But he had to do with a people who knew not the fear of death, and after he had lost a number of soldiers and had been himself wounded he had to admit himself unequal to carrying on the continuous strife. The Emperor having been informed of his necessity, Severus, the *magister peditum*, was allowed to come to his assistance. 3. When he arrived with a force sufficient for the occasion and had drawn his troops up for battle the barbarians were so terrified that they did not dare risk an engagement, but awed by the splendor of the eagles and the battle standards, they sued for peace. 4. Since this seemed to be for the best interests of the state, a treaty was agreed upon after a long discussion, whereby the Saxons were to furnish a large contingent of their warlike youth to serve under our standards

while the remainder were allowed to depart, though without any plunder, and return whence they had come. 5. And when their minds were now relieved of all anxiety and they were preparing to set out for home, a force of infantry was sent forward and quietly placed in ambush in a certain deep valley from which they were to make an attack on the barbarians as the latter passed by and so destroy them, as it was supposed, without difficulty. But it turned out very differently from what was hoped. 6. For at the noise of their approach certain of the Romans in their excitement sprang forth too quickly, and no sooner were they seen than the barbarians with fearful whoops and yells made for them and overthrew them before they could form to resist the attack. Still our men drew quickly together in a circle and held their ground with the courage of despair. Many however were killed, and they would certainly have fallen to the last man had not the tumult been heard by a squadron of our heavy cuirassiers similarly placed at a fork of the road to attack the passing barbarians from the other side. These hastened to the rescue. 7. Then the battle raged fiercely. The Romans with renewed courage rushed in on all sides, surrounded the enemy and cut them down with the sword. None of them ever saw again their native home. Not even a single one was allowed to survive the slaughter of his comrades. An upright judge might accuse us of baseness and perfidy in this affair, yet when one thinks the matter over one must admit that it was a just fate for a band of robbers to be thus destroyed when the opportunity was given us.

8. Though this affair had been so happily carried out, Valentinian continued to feel much anxiety and solicitude, turning over many projects in his mind and planning with what stratagems he might break the pride of the Alamanni and their king Macrian, whose restlessness was bringing endless disturbance to the Roman state. 9. For the remarkable thing about this people is that however great their losses through various causes from the very beginning on, yet they increase so fast that one would think that they had remained undisturbed for many ages. Finally after considering various plans it seemed best to the Emperor to weaken them by stirring up against them the Burgundians, a warlike people whose flourishing condition was due to the immense number of their young men, and who were therefore to be feared by all their neighbors.

Translations and Reprints

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. VI. REGISTER OF DIGNITARIES. No. 4.

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INTRODUCTION.

The NOTITIA DIGNITATUM is an official register of all the offices, other than municipal, which existed in the Roman Empire. It suggests our Statesman's Year-book and other such publications. But this register was official, prepared, as will be seen, by the "chief of the notaries" in the East and West respectively. (See pp. 15, 35.) It differs from its modern representatives in that it gives only the offices, and not in any case the name of the incumbent. Gibbon gave to this document a date between 395 and 407, when the Vandals disturbed the Roman régime in Gaul. Bury, following Hodgkin (Italy and her Invaders, Vol. I, p. 717), thinks that 402 is the probable date from the fact that the twentieth legion which was in that year transferred from Britain to Italy is not mentioned as being in either of these divisions of the empire. But Dr. Otto Seeck (in Hermes, Vol. XI, pp. 71–78) finds some conditions, principally in the disposition of troops, which could be true only of a time before the battle of Adrianople (378), and others which are as late as 427. He infers that the *Notitia* was drawn up as early as the time of Valens, and corrected from year to year here and there, while left in many parts unchanged; and that, therefore, it does not give the exact military status at any one time.

The text comes to us through four manuscripts, now at Oxford, Paris, Vienna and Munich respectively. The last named is of the sixteenth century, the other three of the fifteenth. The four are exact copies, even in form, of a manuscript once preserved at Spires, but lost in the latter part of the sixteenth century. This Spires manuscript contained several other documents besides the *Notitia Dignitatum*, one of them known to be of the year 825. Thus the earliest possible date for the Spires MS. is fixed, and its palæographic form, reproduced in the four copies mentioned, shows that it was written not later than the eleventh century.

The *Notitia Dignitatum* has preserved for us, as no other document has done, a complete outline view of the Roman administrative system in the early fifth century. The hierarchic arrangement is displayed perfectly. The division of prefectures, dioceses and provinces, and the rank of their respective governors is set forth at length. The military origin of the whole system appears in the titles of the staff officers, even in those departments whose heads had, since the time of Constantine, been deprived of all military command.

Prefixed to the accounts of some eighty-seven of the chief offices are their *insignia*. These were probably emblazoned on the codicils, or commissions, of these officers, and they are illustrative of the dignities and duties of those to whom they were assigned. Those of the pretorian prefects display a book of mandates reposing on a richly covered table, and flanked by four tapers; also the four-horse chariot and a pillar with the portrait of the emperor or emperors. The *insignia* of military commanders show the distinctive shields of the several bodies of troops under them. The *insignia* of the master of the offices in the West are reproduced on p. 28.

This translation gives practically everything of prime importance in the text. The spheres of work and the staffs of the chief officials have been given in full. Omissions are always indicated in the translation, as where lists of troops, after a few illustrative examples, are summarized, without giving the names and locations of the various organizations. From the list of minor officials, of whom there are a considerable number of the same rank, one has been selected as typical of the rest, as, *e. g.*, one duke, one count, one consular, in each half of the empire.

The matter of translation was somewhat difficult, owing to the lack of precedents, especially in the case of the staff officers. The lexicons for the most part say of any one of these designations that it was "the title of a high official of the later empire." This is true, but not sufficient for the purposes of this book. A careful study of the functions of these officials, as disclosed in the Theodosian Code, and as commented on by Böcking (see bibliography), has made possible a more exact, if somewhat arbitrary, rendering. An English word which fully expresses the Roman function is, in many cases, hard to find. Sometimes the translation is only approximate, and requires a note. In general, the effort is made to retain the Roman flavor of the original, and not to translate the official terms of the empire by modern ones which might convey a false implication. For instance, it has been thought better to say "count of the sacred bounties" rather than "chancellor of the exchequer," or "grand treasurer;" and "provost of the sacred bedchamber" rather than "grand chamberlain."

Brackets, [ ], enclose words not in the original.

REGISTER OF DIGNITARIES.

I.

REGISTER OF THE DIGNITARIES, BOTH CIVIL AND MILITARY, IN THE DISTRICTS OF THE EAST.

The pretorian prefect of the East.
The pretorian prefect of Illyricum.
The prefect of the city of Constantinople.
Two masters of horse and foot in the presence.
[The master] of horse and foot in the East.
[The master] of horse and foot in Thrace.
[The master] of horse and foot in Illyricum.
The provost of the sacred bedchamber.
The master of the offices.
The quaestor.
The count of the sacred bounties.
The count of the private domains.
Two counts of the household troops:
    of horse,
    of foot.

The superintendent of the sacred bedchamber.
The chief of the notaries.
The castellan of the sacred palace.
The masters of bureaus:
of memorials,
of correspondence,
of requests,
of Greek [versions].
Two proconsuls:
of Asia; of Achaia.
The count of the East.
The Augustal prefect.
Four vicars:
of [the diocese of] Asia; of [the diocese of] Pontus; of [the diocese of] the Thraces; of [the diocese of] Macedonia.
Two military counts:
of Egypt; of Isauria.
Thirteen dukes:
in [the diocese of] Egypt two:
of the Libyas; of Thebais.
in [the diocese of] the East six:
of Phœnice; of Euphratensis and Syria; of Palestine; of Osroena; of Mesopotamia; of Arabia.
in [the diocese of] Pontus one:
of Armenia.
in [the diocese of] Thrace two:
of Mœsia secunda; of Scythia.
in [the diocese of] Illyricum two:
of ripuarian Dacia; of Mœsia prima.
Fifteen consulars:
in [the diocese of] the East five:
of Palestine; of Phœnice; of Syria; of Cilicia; of Cyprus.
in [the diocese of] Asia three:
of Pamphylia; of Hellespontus; of Lydia.
in [the diocese of] Pontus two:
of Galatia; of Bithynia.
in [the diocese of] Thrace two:
of Europe; of Thrace.
in [the diocese of] Illyricum three:
of Crete; of Macedonia; of Mediterranean Dacia.

Egypt, however, does not possess the consular dignity.

Forty presidents:

in [the diocese of] Egypt five:

of upper Lybia; of lower Lybia; of Thebais; of Egypt; of Arcadia.

in [the diocese of] the East eight:

of Palæstina salutaris; of Palæstina secunda; of Phœnice Libani; of Euphratensis; of Syria salutaris; of Osroena; of Mesopotamia; of Cilicia secunda.

in [the diocese of] Asia seven:

of Pisidia; of Lycaonia; of Phrygia Pacatiana; of Phrygia salutaris; of Lycia; of Caria; of the Islands.

in [the diocese of] Pontus eight:

of Honorias; of Cappadocia prima; of Cappadocia secunda; of Helenopontus; of Pontus Polemoniacus; of Armenia prima; of Armenia secunda; of Galatia salutaris.

in [the diocese of] Thrace four:

of Hæmimontus; of Rhodope; of Mœsia secunda; of Scythia.

in [the diocese of] Illyricum eight:

of Thessalia; of ancient Epirus; of new Epirus; of ripuarian Dacia; of Mœsia prima; of Prævalitana; of Dardania; of Macedonia salutaris.

Two correctors:

of Augustamnica; of Paphlagonia.

II.

THE PRETORIAN PREFECT OF THE EAST.

Under the control of the illustrious[1] pretorian prefect of the East are the dioceses below mentioned:

of the East; of Egypt; of Asia; of Pontus; of Thrace.

[1] Each of the great officials of the empire at this time was dignified and graded by one of three titles: *illustris*, "illustrious;" *spectabilis*, "worshipful;" *clarissimus*, "right honorable." The first of these titles is the highest. A study of the *Notitia* will show the bearers of the respective titles. In general, it may be said that the illustrious correspond in rank to our cabinet officers, the worshipful to our State governors and highest military officers, and the right honorable to our brigadier-generals and colonels. See the references to Gibbon, Bury and Hodgkin in the bibliography, p. 40.

Provinces:

of [the diocese of] the East fifteen:

Palestine; Phœnice; Syria; Cilicia; Cyprus; Arabia (also a duke and a military count); Isauria; Palæstina salutaris; Palæstina secunda; Phœnice Libani; Euphratensis; Syria salutaris; Osroena; Mesopotamia; Cilicia secunda.

of [the diocese of] Egypt five:

upper Libya; lower Libya; Thebais; Egypt; Arcadia.

of [the diocese of] Asia ten:

Pamphylia; Hellespontus; Lydia; Pisidia; Lycaonia; Phrygia Pacatiana; Phrygia salutaris; Lycia; Caria; the Islands.

of [the diocese of] Pontus ten:

Galatia; Bithynia; Honorias; Cappadocia prima; Cappadocia secunda; Pontus Polemoniacus; Helenopontus; Armenia prima; Armenia secunda; Galatia salutaris.

of [the diocese of] Thrace six:

Europa; Thracia; Hæmimontus; Rhodopa; Mœsia secunda; Scythia.

The staff[1] of the illustrious pretorian prefect of the East:

A chief of staff, (*princeps*)

A chief deputy, (*cornicularius*)

[1] The dozen officers or types of officers here indicated were the heads of departments under the pretorian prefect. All the other *officia* or staffs were on a similar model. These officials belonged to the political aristocracy. The whole number of officers might run into the hundreds, besides large numbers of slaves who did the drudgery. The count of the East had 600 officials; the proconsul of Africa, 400; the vicar of Africa, 300; the count of the sacred bounties, 224 regular assistants and 610 supernumeraries. The beginning of a civil service career under the pretorian prefect for a Roman gentleman, after a training in the law, was the post of "treasury advocate," of whom we are told that there were at one time 150 under a single prefect.

The officials named in the text received high salaries. After working through to the highest staff position, which was commonly held for either one or two years, they were eligible for the lower governorships, as presidents or correctors, and so on till the highest stations were reached.

The Latin titles have been given to make it clear that the translation cannot be an exact equivalent for the terms in use under a system so different from anything now in existence.

A chief assistant, (*adiutor*)
A custodian, (*commentariensis*)
A keeper of the records, (*ab actis*)
Receivers of taxes, (*numerarii*)
Assistants, (*subadiuuæ*)
A curator of correspondence, (*cura epistolarum*)
A registrar, (*regerendarius*)
Secretaries, (*exceptores*)
Aids, (*adiutores*)
Notaries. (*singularii*)

The pretorian prefect of the East does not receive post-warrants[1] for each year, but himself issues them.

III.

THE PRETORIAN PREFECT OF ILLYRICUM.

Under the control of the illustrious pretorian prefect of Illyricum are the dioceses mentioned below:

of Macedonia; of Dacia.

The provinces of Macedonia are six:

Achaia; Macedonia; Crete; Thessaly; ancient Epirus; new Epirus; and a part of Macedonia salutaris.

The provinces of Dacia are five:

Mediterranean Dacia; ripuarian Dacia; Mœsia prima; Dardania; Prævalitana; and part of Macedonia salutaris.

The staff of the illustrious pretorian prefect of Illyricum:

A chief of staff,
A chief deputy,
A chief assistant,
A custodian,
A keeper of the records,
Four receivers of taxes; one of these for gold; another for services.

[1] The *cursus publicus* was the post-service for the conveyance of government dispatches and of government officials. It was elaborately organized and very effective. Its control was in the hands of the pretorian prefects and the masters of the offices. Other officers were limited in their use of this service, as the last paragraph of each chapter in the *Notitia* of the East shows. There is no reference to this service in the *Notitia* of the West, though there is no reason to doubt that the regulations there were similar.

An assistant,
A curator of correspondence,
A registrar,
Secretaries,
Aids,
Notaries.

The pretorian prefect of Illyricum himself issues [post-warrants].

IV.

THE PREFECT OF THE CITY OF CONSTANTINOPLE.

[The text is wanting.]

V.

THE MASTER OF THE SOLDIERY IN THE PRESENCE.

Under the control of the illustrious master of the soldiery in the presence:[1]

Five squadrons of palatine horse:
The senior promoted horse,
The companion cuirassiers,

[1] For the organization and strength of the army at this period see Bury's Gibbon, Vol. II, App. 12. A summary of his statements, embodying the results of Mommsen's study, is here given:

A. *Organization.*

I. The borderers (*limitanei*, *ripenses*) were stationed on the frontiers and served as cultivators of lands allotted to them as well as soldiers.

Borderers: { Infantry: { legions: old, 6,000 men; new, 1,000. / *auxilia:* 500 men. / cohorts: 500 men. } / Cavalry: squadrons (*cunei equitum*, *equites*, *alae*); 500 men. }

II. Imperial troops.

a. Troops of the line (*comitatenses*): { Infantry, legions; 1,000 men. / Cavalry, squadrons (*vexillationes*); 500 men. }

b. Troops of the second line (*pseudo-comitatenses*).

c. Palatine troops, of higher rank and pay than the line.

d. The 12 schools, of 500 men each; palace guards.

B. *Strength.*		Total.
Borderers:	Infantry: 249,500	
	Cavalry: 110,500	360,000
Imperial:	Infantry: 148,000	
	Cavalry: 46,500	194,500
		554,500

The junior companion archers,
The companion Taifalians,
The Arcadian horse.

Seven squadrons of horse of the line:
The Biturigensian cuirassiers,
The senior Gallican heavy-armed horse,
The fifth Dalmatian horse,
The ninth Dalmatian horse,
The first shield-bearers,
The junior promoted horse,
The first Parthian cuirassiers.

Six palatine legions:
The senior lancers,
The junior Jovians,
The junior Herculians,
The Fortenses,
The Nervii,
The junior Matiarii.

Eighteen palatine *auxilia :*
The senior Batavians,
The junior Brachiati,
The Salians,
The Constantians,
The senior Mattiaci,
The senior Gallican archers,
The junior Gallican archers,
The third Valens' archers,
The Defenders,
The Raetobarii,
The Anglevarii,
The Hiberi,
The Visi,
The fortunate junior Honorians,
The Victors,
The first Theodosians,
The third Theodosians,
The fortunate Isaurian Theodosians.

The staff of the aforesaid office of the master in the presence is [made up from officers] enrolled with the forces and assigned to staff duty.

It includes the officers below mentioned:

A chief of staff,
Two accountants (*numerarii*),
A custodian,
Chief clerks (*primiscrinios*), who become accountants,
Clerks,
Secretaries and other attendants (*apparitores*).

The master of the soldiery in the presence is entitled to fifteen post-warrants in the year.

VII.

THE MASTER OF THE SOLDIERY IN THE EAST.

Under the control of the illustrious master of the soldiery in the East:

Ten squadrons of horse of the line.*
Two palatine *auxilia*.*
Nine legions of the line.*
Eleven legions of the secondary line.*

The staff of the master's office in the East is considered permanent.

It includes the officers below mentioned:

A chief of staff,
Two accountants,
A custodian,
A chief assistant,
Clerks,
Quartermasters (*mensores*),
Secretaries and other attendants.

The master of the soldiery in the East is entitled to twenty-five post-warrants in the year.

X.

THE PROVOST OF THE SACRED BEDCHAMBER.

Under the control of the illustrious provost of the sacred bedchamber:

The imperial estate (*domus divina*) in Cappadocia.

* Enumeration omitted.

XI.

THE MASTER OF THE OFFICES.

Under the control of the illustrious master of the offices:

The first school[1] of shield-bearers,
The second school of shield-bearers,
The school of senior gentiles,[2]
The school of shield- and bow-bearers,
The school of mailed shield-bearers,
The junior light-armed school,
The school of junior gentiles,
The school of confidential agents (*agentes in rebus*[3]) and those assigned from the same school,
The surveyors and lamp-makers,
The bureau of memorials,
The bureau of correspondence,
The bureau of requests,
The bureau of assignments (*dispositiones*),
The staff of ushers,
The arsenals below mentioned:

of [the diocese of] the East five:
of shields and weapons, at Damascus,
of shields and weapons, at Antioch,
of mail, at Antioch,
of shields and equipment, at Edesa,
of spears, at Irenopolis in Cilicia.

of [the diocese of] Pontus three:
of cuirasses, at Cæsaræa in Cappadocia,
of shields and weapons, at Nicomedia,
of cuirasses, at Nicomedia.

of [the diocese of] Asia one:
of shields and weapons, at Sardis in Lydia.

[1] So called from their attending in the *schola*, or hall of the palace.

[2] A word of no religious import, but pointing only to the origin of this school from one social class of certain Scythian peoples who were living in a federate relation to the empire.

[3] *Agentes in rebus*, a class of highly paid civil agents, who were designed to keep the central government in touch with its various branches. From them were chosen, as will frequently appear, the higher staff officials, who not only served their superiors, but watched them in the interests of the court. There were 1,174 of them in the time of Theodosius II.

of [the diocese of] the two Thraces (one of the diocese of Asia):
of shields and weapons, at Hadrianopolis of Hæmimontus,
of shields and weapons, at Marcianopolis (in the two Thraces).
of [the diocese of] Illyricum four:
at Thessalonica,
at Naissus,
at Ratiaria,
of shields at Horreomargi.

The staff of the aforesaid illustrious master of the offices is made up from the school of confidential agents as follows:

A chief assistant,
Assistants:
two aids,
three for the arsenals,
four for the embroiderers in gold:
for the diocese of the East one, for the diocese of Asia one, for the diocese of Pontus one, for the diocese of the Thraces and Illyricum one.
An inspector of the public post in the presence,
Inspectors for all the provinces,
Interpreters for various peoples.

The master of the offices himself issues post-warrants.

XII.

THE QUAESTOR.

Under the control of the illustrious quaestor:
The formulation of laws,
The formulation of petitions.

The quaestor does not have a staff, but such assistants from the bureaus as he may wish.

XIII.

THE COUNT OF THE SACRED BOUNTIES.

Under the control of the illustrious count of the sacred bounties:
The counts of the bounties in all the dioceses,
The counts of the markets:
in the East and Egypt,
in Mœsia, Scythia and Pontus,

in Illyricum.
The provosts of the store-houses,
The counts of the metals in Illyricum,
The count and the accountant of the general tribute of Egypt,
The accountants of the general tribute,
The masters of the linen vesture,
The masters of the private vesture,
The procurators of the weaving-houses,
The procurators of the dye-houses,
The procurators of the mints,
The provosts of the goods despatch,
The procurators of the linen-weavers.

The staff of the aforesaid count of the sacred bounties includes:
The chief clerk of the whole staff,
The chief clerk of the bureau of fixed taxes,
The chief clerk of the bureau of records,
The chief clerk of the bureau of accounts,
The chief clerk of the bureau of gold bullion,
The chief clerk of the bureau of gold for shipment,
The chief clerk of the bureau of the sacred wardrobe,
The chief clerk of the bureau of silver,
The chief clerk of the bureau of *miliarensia*,[1]
The chief clerk of the bureau of coinage and other clerks of the above-mentioned bureaus,
A deputy chief clerk of the staff, who is chief clerk of the secretaries,
A sub-deputy chief clerk, who deals with the goods despatch,
A fourth clerk who deals with requests, and other palatine [officials] of the aforesaid staff.

The count of the bounties is entitled to as many post-warrants in the year as his occasions may require.

XIV.

THE COUNT OF THE PRIVATE DOMAIN.

Under the control of the illustrious count of the private domain:
The imperial estates,

[1] A silver coin, worth about 22 cents under Constantine and 26 under Julian.

The accountants of the private domain,
The private baggage train,
The provosts of the herds[1] and stables,
The procurators of the pastures.

The staff of the aforesaid illustrious count of the private domain:

A chief clerk of the whole staff,
A chief clerk of remitted taxes,
A chief clerk of the fixed taxes,
A chief clerk of receipts,[2]
A chief clerk of the bureau of private bounties, and other clerks of the aforesaid bureaus,
A deputy chief clerk of the whole staff, who has charge of the documents of that staff, and other palatine [officials].

The count of the private domain is entitled to as many post-warrants in the year as his occasions may require.

XV.

THE COUNT OF THE HOUSEHOLD HORSE. THE COUNT OF THE HOUSEHOLD FOOT.

Under the control of the illustrious counts of the household horse and foot:

The household horse,
The household foot,
and those of them deputized [on special missions].

The count of the household horse is entitled to ———.
The count of the household foot is entitled to ———.

XVI.

THE SUPERINTENDENT OF THE SACRED BEDCHAMBER.

[The text is wanting.]

XVII.

THE CASTELLAN.

Under the control of the worshipful[3] castellan:

The pages,
The imperial household servants,

[1] Of horses.

[2] For taxes paid.

[3] The first instance in this book of the second grade of official nobility. See note 1, p. 5.

The custodians of the palaces.

The staff of the worshipful castellan aforesaid includes:

An imperial accountant,

An accountant for the imperial Augustæ,

An assistant,

A record-keeper and his bureau, and other palatine [officials] of the aforesaid staff.

XVIII.

THE CHIEF OF THE NOTARIES.

Under the control of the worshipful chief of the notaries:

The registry of all the official and administrative positions, both military and civil,

He also has charge of the schools and the forces.[1]

He does not have a staff, but an assistant from the school of the notaries.

XIX.

THE MASTERS OF THE BUREAUS.

The master of the bureau of memorials

formulates and issues all rescripts, and responds to petitions.

The master of the bureau of correspondence

deals with deputations from states, consultations[2] and petitions.

The master of the bureau of requests

deals with the hearing of cases and petitions.

The master of the bureau of Greek correspondence

either himself formulates those letters which are usually issued in Greek, or when they have been formulated in Latin translates them into Greek.

No one of these has a staff of his own, but assistants chosen from the bureaus.

[1] He seems to have kept the records, if not to have controlled the disposition, of the troops in the various provinces, and to have issued the commissions of the higher military officers. The register of these is called the "greater" or "superior" register. See note 1, p. 18.

[2] References to the imperial authority of questions on which provincial magistrates were in doubt: appeals from judges rather than against them.

XX.

THE PROCONSUL OF ASIA.

Under the control of the worshipful proconsul of Asia are the provinces mentioned below:

Asia,
The Islands,
Hellespontus.

His staff is as follows:

A chief of the same staff,
A chief deputy,
A chief assistant,
A custodian,
A keeper of the records,
Receivers of taxes,
Clerks,
A receiver of requests,
Secretaries and other officials.

The proconsul of Asia is entitled to ———.

XXIII.

THE AUGUSTAL PREFECT.

Under the control of the worshipful Augustal prefect are the provinces mentioned below:

Lybia superior,
Lybia inferior,
Thebais,
Egypt,
Arcadia,
Augustamnica.

His staff is as follows:

A chief of staff from the school of confidential agents of the first class, who at the close of two years' service, after adoring the imperial clemency, goes forth with insignia.[1]
A chief deputy,
A custodian,

[1] That is, advanced to such rank, consular or proconsular, as carries with it the privilege of *insignia* of office. Consular rank was attainable by those who did not become actual consuls.

A quaestor,
An assistant,
A keeper of the records,
Receivers of taxes,
A curator of correspondence,
Secretaries and other attendants.

The Augustal prefect is entitled to ———.

XXIV.

THE VICAR OF THE DIOCESE OF ASIA.

Under the control of the worshipful vicar of the diocese of Asia are the provinces mentioned below:

Pamphylia,
Lydia,
Caria,
Lycia,
Lycaonia,
Pisidia,
Phrygia Pacatiana,
Phrygia salutaris.

The staff of the worshipful vicar of the diocese of Asia is as follows:

A chief of staff from the school of confidential agents of the first class, who at the close of two years' service, after adoring the imperial clemency, goes forth with insignia.
A chief deputy,
A custodian,
An assistant,
A keeper of the records,
Receivers of taxes,
A curator of correspondence,
Secretaries and other officials.

The vicar of the diocese of Asia is entitled to ———.

XXVIII.

THE COUNT OF THE EGYPTIAN FRONTIER.

Under the control of the worshipful military count of Egypt:

The fifth Macedonian legion, at Memphis,
The thirteenth twin legion, at Babylon,

The Stablesian horse, at Pelusium,
The Saracen Thamudene horse, at Scenæ Veteranorum,
The third *Diocletiana* legion, at Andropolis,
The second *Trajana* legion, at Parembole,
The Theodosian squadron, recently organized,
The Arcadian squadron, recently organized,
The second squadron of Armenians, in the lesser Oasis.

And these which are assigned from the lesser register:[1]

The third squadron of Arabs, at Thenenuthis,
The eighth squadron of Vandals, at Nee,
The seventh squadron of Sarmatians, at Scenæ Mandrorum,
The first squadron of Egyptians, at Selle,
The veteran squadron of Gauls, at Rinocoruna,
The first Herculian squadron, at Scenæ without Gerasa,
The fifth squadron of Rætians, at Scenæ Veteranorum,
The first Tangiers squadron, at Thinunepsi,
The Aprian squadron, at Hipponos,
The second squadron of Assyrians, at Sosteos,
The fifth squadron of *Prælecti*, at Dionysias,
The third cohort of Galatians, at Cefro,
The second cohort of Asturians, at Busiris.

Of the province of Augustamnica:

The second Ulpian squadron of Africans, at Thaubastos,
The second squadron of Egyptians, at Tacasiria,
The first cohort of archers, at Naithu,
The first Augustan cohort of Pannonians, at Tohu,
The first cohort of Epirotes, at Castra Judæorum,
The fourth cohort of Juthungians, at Aphroditopolis,
The second cohort of Ituræans, at Aiy,
The second cohort of Thracians, at Muson,
The fourth cohort of Numidians, at Narmunthi.

The staff is as follows:

A chief of staff from the school of confidential agents of the first class, who, after adoring the imperial clemency, goes forth with insignia.

[1] The "lesser register" was the list of lower military officers and their commands, which was in charge sometimes of the quaestor and sometimes of the bureau of memorials, under the master of the offices. See note 1, p. 15.

Receivers of taxes,
A custodian,
An assistant,
A receiver of requests, or under-secretary,
Secretaries and other officials.

The count of Egypt is entitled to seven post-warrants in the year.

XXXIX.

THE DUKE OF SCYTHIA.

Under the control of the worshipful duke of Scythia:

[Seven squadrons of cavalry.] *

Auxiliaries:

[Eight organizations.] *

Legions of borderers:

[Seven organizations.] *

His staff is as follows:

A chief of staff, who at the end of his term of service pays adoration as a protector,[1]
Accountants and their assistants,
A custodian,
An assistant,
A receiver of requests, or under-secretary,
Secretaries and other officials.

The duke of Scythia is entitled to five post-warrants in the year.

XLIII.

THE CONSULAR OF PALESTINE.

Under the control of the right honorable[2] consular of Palestine:

The province of Palestine.

His staff is as follows:

A chief of staff,

* Enumeration omitted.

[1] This "adoration" was equivalent to a modern presentation at court. A "protector" was a highly-privileged member of the imperial body-guard. See Bury's Gibbon, Vol. II, App. 13. To "adore as protector" was to be admitted either to this body-guard or to a rank equivalent to it in the nicely-graded scale of precedence.

[2] Consulars, correctors, and most presidents were *clarissimi*, "right honorable."

A chief deputy,
A custodian,
A chief assistant,
A receiver of taxes,
A keeper of the records,
A receiver of requests,
Secretaries and other *cohortalini*,[1] who are not allowed to pass to another service without a warrant from the imperial clemency.

All the other consulars have a staff similar to that of the consular of Palestine.

XLIV.

THE PRESIDENT OF THEBAIS.

Under the control of the right honorable president of Thebais:

The province of Thebais.

The staff is as follows:

[Precisely as in preceding section.]

All the other presidents have a staff similar to that of the president of Thebais.

I.

REGISTER OF THE DIGNITARIES, BOTH CIVIL AND MILITARY, IN THE DISTRICTS OF THE WEST.

The pretorian prefect of Italy.
The pretorian prefect of the Gauls.
The prefect of the city of Rome.
The master of foot in the presence.
The master of horse in the presence.
The master of horse in the Gauls.
The provost of the sacred bedchamber.
The master of the offices.
The quaestor.
The count of the sacred bounties.
The count of the private domains.
The count of the household horse.

[1] The lower members of staffs of officials of lesser dignity were called *cohortalini;* those attached to the higher staffs *apparitores;* those in the staffs of the great palace functionaries, *palatini.* The *cohortalini* formed an hereditary caste from which escape was very difficult.

The count of the household foot.
The superintendent of the sacred bedchamber.
The chief of the notaries.
The castellan of the sacred palace.
The masters of bureaus:
of memorials; of correspondence; of requests.
The proconsul of Africa.
Six vicars:
of the city of Rome; of Italy; of Africa; of the Spains; of the Seven Provinces; of the Britains.
Six military counts:
of Italy; of Africa; of Tingitania; of the tractus Argentoratensis; of the Britains; of the Saxon shore of Britain.
Thirteen dukes:
of the frontier of Mauritania Cæsariensis; of the Tripolitan frontier; of Pannonia prima and ripuarian Noricum; of Pannonia secunda; of ripuarian Valeria; of Rætia prima and secunda; of Sequanica; of the Armorican and Nervican tract; of Belgica secunda; of Germania prima; of Britannia; of Mogontiacensis.
Twenty-two consulars:
of Pannonia;
in Italy eight:
of Venetia and Histria; of Æmilia; of Liguria; of Flaminia and Picenum annonarium; of Tuscia and Umbria; of Picenum suburbicarium; of Campania; of Sicilia.
in Africa two:
of Byzacium; of Numidia.
in the Spains three:
of Bætica; of Lusitania; of Callæcia.
in the Gauls six:
of Viennensis; of Lugdunensis prima; of Germania prima; of Germania secunda; of Belgica prima; of Belgica secunda.
in the Britains two:
of Maxima Cæsariensis; of Valentia.
Three correctors:
in Italy two:
of Apulia and Calabria; of Lucania and Brittii.

in Pannonia one:
of Savia.
Thirty-one presidents:
in Illyricum four:
of Dalmatia; of Pannonia prima; of Mediterranean Noricum; of ripuarian Noricum.
in Italy seven:
of the Cottian Alps; of Rætia prima; of Rætia secunda; of Samnium; of Valeria; of Sardinia; of Corsica.
in Africa two:
of Mauritania Sitifensis; of Tripolitana.
in the Spains four:
of Tarraconensis; of Carthaginensis; of Tingitania; of the Balearic Isles.
in the Gauls eleven:
of the maritime Alps; of the Pennine and Graian Alps; of Maxima Sequanorum; of Aquitanica prima; of Aquitanica secunda; of Novempopulana; of Narbonensis prima; of Narbonensis secunda; of Lugdunensis secunda; of Lugdunensis tertia; of Lugdunensis Senonica.
in the Britains three:
of Britannia prima; of Britannia secunda; of Flavia Cæsariensis.

II.

THE PRETORIAN PREFECT OF ITALY.

Under the control of the illustrious pretorian prefect of Italy are the dioceses mentioned below:

Italy; Illyricum; Africa.

Provinces:
of Italy seventeen:
Venetia; Æmilia; Liguria; Flaminia and Picenum annonarium; Tuscia and Umbria; Picenum suburbicarium; Campania; Sicily; Apulia and Calabria; Lucania and Brittii; the Cottian Alps; Rætia prima; Rætia secunda; Samnium; Valeria; Sardinia; Corsica.
of Illyricum six:
Pannonia secunda; Savia; Dalmatia; Pannonia prima; Mediterranean Noricum; ripuarian Noricum.

of Africa seven:

Byzacium; Numidia; Mauritania Sitifensis; Mauritania Cæsariensis; Tripolis.

The prefect of the grain tribute of Africa; the prefect of the patrimonial estates.

The staff of the illustrious pretorian prefect of Italy:

A chief of staff,
A chief deputy,
A chief assistant,
A custodian,
A keeper of the records,
Receivers of taxes,
Assistants,
A curator of correspondence,
A registrar,
Secretaries,
Aids,
Notaries.

III.

THE PRETORIAN PREFECT OF THE GAULS.

Under the control of the illustrious pretorian prefect of the Gauls are the dioceses mentioned below:

The Spains; the Seven Provinces; the Britains.

Provinces:

of the Spains seven:

Bætica; Lusitania; Callæcia; Tarraconensis; Carthaginensis; Tingitania; the Balearic Isles.

of the Seven Provinces seventeen:[1]

Viennensis; Lugdunensis prima; Germania prima; Germania secunda; Belgica prima; Belgica secunda; the Maritime Alps; the Pennine and Graian Alps; Maxima Sequanorum; Aquitania prima; Aquitania secunda; Novempopuli; Narbonensis prima; Narbonensis secunda; Lugdunensis secunda; Lugdunensis tertia; Lugdunensis Senonia.

[1] See Bury's Gibbon, Vol. II, App. 11, for the anomaly of seventeen provinces ranged under the title, The Seven Provinces. Subdivision and addition had caused what was originally the diocese of The Five Provinces to include the seventeen here named.

of the Britains five:

Maxima Cæsariensis; Valentia; Britannia prima; Britannia secunda; Flauia Cæsariensis.

The staff of the illustrious pretorian prefect of the Gauls:

[precisely the same as that of the pretorian prefect of the East, p. 5.]

IV.

THE PREFECT OF THE CITY OF ROME.

Under the control of the illustrious prefect of the city of Rome are held the administrative positions mentioned below:

The prefect of the grain supply,
The prefect of the watch,
The count of the aqueducts,
The count of the banks and bed of the Tiber, and of the sewers,
The count of the port,
The master of the census,
The collector of the wine-tax,
The tribune of the swine-market,
The consular of the water-supply,
The curator of the chief works,
The curator of public works,
The curator of statues,
The curator of the Galban granaries,
The centenarian of the port,[1]
The tribune of art works (?).

The staff of the illustrious prefect of the city:

A chief of staff,
A chief deputy,
A chief assistant,
A custodian,
A keeper of the records,
Receivers of taxes,
A chief clerk (or receiver),
Assistants,
A curator of correspondence,

[1] The functions of this officer and the next one cannot be accurately determined, and the translation is uncertain in the latter case, *tribunus rerum nitentium*.

A registrar,
Secretaries,
Aids,
Clerks of the census,
Ushers,
Notaries.

V.

THE MASTER OF FOOT IN THE PRESENCE.

Under the control of the illustrious master of foot in the presence:

The counts of the frontiers mentioned below:

Italy; Africa; Tingitania; Tractus Argentoratensis; the Britains; the Saxon shore toward the Britains.

The ten dukes of the frontiers mentioned below:

Mauretania Cæsariensis; Tripolitanus; Pannonia secunda; ripuarian Valeria; Pannonia prima and ripuarian Noricum; Rætia prima and secunda; Belgica secunda; Germania prima; the Britains; Mogontiacensis.

[Twelve palatine legions,*
Sixty-five palatine *auxilia*,
Thirty-two legions of the line,
Eighteen legions of the secondary line.]

The staff of the aforesaid master of foot in the presence:

A chief of staff,
An accountant,
A custodian,
A chief assistant,
A registrar,
Secretaries and other attendants.

VI.

THE MASTER OF HORSE IN THE PRESENCE.

Under the control of the illustrious count and master of horse in the presence:

[Ten palatine squadrons,*
Thirty-two squadrons of the line.]

* Enumeration omitted.

The staff of the aforesaid master's office:
A chief of staff,
An accountant,
A chief clerk,
A custodian,
A chief assistant,
A registrar,
Secretaries and other attendants.

VII.

DISTRIBUTION OF THE FORCES ABOVE NAMED AMONG THE VARIOUS PROVINCES.

In Italy:
[Seven palatine legions,*
Twenty palatine *auxilia*,
Five legions of the line,
Two legions of the secondary line,
Two unclassified bodies.]
In Illyricum with the worshipful count of Illyricum:
[Thirteen palatine *auxilia*,*
Five legions of the line,
Three legions of the secondary line,
One unclassified body.]
In the Gauls with the illustrious master of horse in the Gauls:
[Fifteen palatine *auxilia*,*
One palatine legion,
Ten legions of the line,
Ten legions of the secondary line,
Twelve unclassified bodies.]
The staff of the illustrious master of horse in the Gauls:
A chief from the staffs of the masters of soldiery in the presence, in one year from that of the master of foot, and in the next from that of the master of horse.
A custodian,
Accountants from the two staffs in alternate years,
A chief assistant,
A registrar,

* Enumeration omitted.

Secretaries and other attendants.
In the Spains with the worshipful count:
[Eleven palatine *auxilia*,*
Five legions of the line.]
In Tingitania with the worshipful count:
[Two palatine *auxilia*,*
Two legions of the line.]
In Africa with the worshipful count of Africa:
[Three palatine legions,*
One palatine *auxilium*,
Seven legions of the line.]
In the Britains with the worshipful count of the Britains:
[One palatine *auxilium*,*
One legion of the line,
One unclassified body.]
Also squadrons of cavalry:
In Italy:
[Six palatine,*
One of the line.]
In the Gauls with the illustrious count and master of horse in the Gauls:
[Four palatine,*
Eight of the line.]
In Africa with the worshipful count of Africa:
[Nineteen of the line.]*
In Britain with the worshipful count of the Britains:
[Three of the line,*
Two unclassified.]
In Tingitania with the worshipful count of Tingitania:
[Three of the line.] *

VIII.

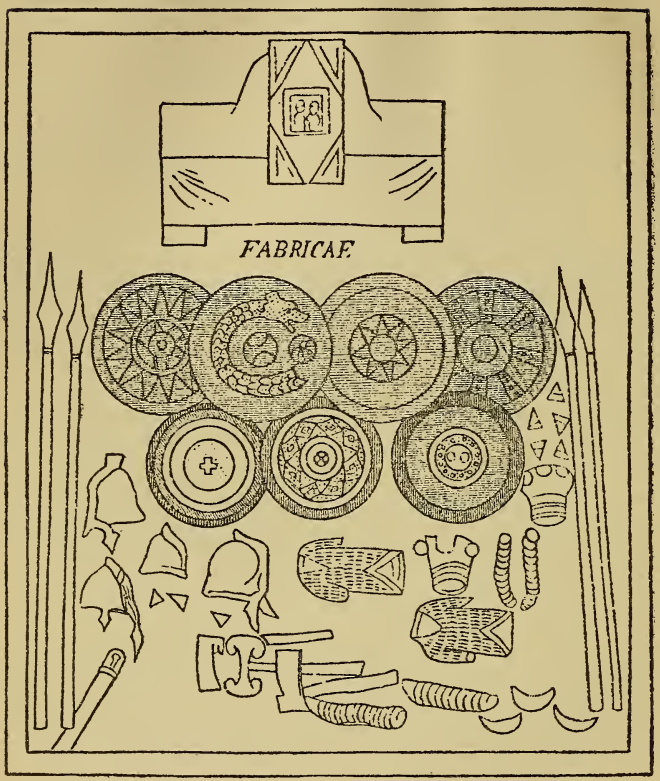
THE PROVOST OF THE SACRED BEDCHAMBER.

[The text relating to the provost of the sacred bedchamber is wanting.]

* Enumeration omitted.

IX.[1]

INSIGNIA OF THE ILLUSTRIOUS MASTER OF THE OFFICES.



Under the control of the illustrious master of the offices:

The first school of shield-bearers,
The second school of shield-bearers,
The senior light-armed school,
The school of senior gentiles,
The third school of shield-bearers,
The school of confidential agents and those assigned from that school,

[1] Typical *insignia*, showing the table with the book of mandates, ornamented with the imperial portraits, and below the types of arms and accoutrements made in the various arsenals under the control of the master of the offices.

The bureau of memorials,
The bureau of assignments,
The bureau of correspondence,
The bureau of requests,
The doorkeepers,
The court ushers (*cancellarii*).

The arsenals mentioned below:

In Illyricum:
of shields, saddle-cloths and weapons, at Sirmium,
of shields, at Acincum,
of shields, at Carnuntum,
of shields, at Lauriacum,
of weapons, at Salona.

In Italy:
of arrows, at Concordia,
of shields and weapons, at Verona,
of leather corselets, at Mantua,
of shields, at Cremona,
of bows, at Ticinum,
of broadswords, at Luca.

In the Gauls:
of all weapons, at Argenton,
of arrows, at Maçon,
of leather corselets, *ballistæ*, and mail, at Autun,
of shields, at Autun,
of ———, at Soissons,
of broadswords, at Rheims,
of shields, at Trier,
of *ballistæ*, at Trier,
of broadswords and shields, at Amiens.

The staff of the aforesaid illustrious master of the offices is constituted from the school of confidential agents in this manner:

A chief assistant,
A deputy of the chief assistant,
Assistants for the various arsenals,
An inspector of the public post in the presence,
Inspectors for all the provinces,
Interpreters for all peoples.

X.

THE QUAESTOR

Under the control of the illustrious quaestor:

The formulation of laws,

The formulation of petitions.

He has subordinate clerical assistants from the various bureaus.

XI.

THE COUNT OF THE SACRED BOUNTIES.

Under the control of the illustrious count of the sacred bounties:

The count of the bounties in Illyricum,

The count of the wardrobe,

The count of gold,

The count of the Italian bounties,

Accountants:

The accountant of the general tax of Pannonia secunda, Dalmatia and Savia,

The accountant of the general tax of Pannonia prima, Valeria, Mediterranean and ripuarian Noricum,

The accountant of the general tax of Italy,

The accountant of the general tax of the city of Rome,

The accountant of the general tax of the Three Provinces, that is, of Sicily, Sardinia and Corsica,

The accountant of the general tax of Africa,

The accountant of the general tax of Numidia,

The accountant of the general tax of Spain,

The accountant of the general tax of the Five Provinces,

The accountant of the general tax of the Gauls,

The accountant of the general tax of the Britains.

Provosts of the storehouses:

In Illyricum:

The provost of the storehouses at Salona in Dalmatia,

The provost of the storehouses at Siscia in Savia,

The provost of the storehouses at Savaria in Pannonia prima.

In Italy:

The provost of the storehouses at Aquileia in Venetia,

The provost of the storehouses at Milan in Liguria,
The provost of the storehouses of the city of Rome,
The provost of the storehouses at Augsburg in Rætia secunda.

In the Gauls:

The provost of the storehouses at Lyons,
The provost of the storehouses at Arles,
The provost of the storehouses at Rheims,
The provost of the storehouses at Trier.

In the Britains:

The provost of the storehouses at London.

Procurators of the mints:

The procurator of the mint at Siscia,
The procurator of the mint at Aquileia,
The procurator of the mint in the city of Rome,
The procurator of the mint at Lyons,
The procurator of the mint at Arles,
The procurator of the mint at Trier.

Procurators of the weaving-houses:

The procurator of the weaving-house at Bassiana, in Pannonia secunda—removed from Salona,
The procurator of the weaving-house at Sirmium in Pannonia secunda,
The procurator of the Jovian weaving-house at Spalato in Dalmatia,
The procurator of the weaving-house at Aquileia in Venetia inferior,
The procurator of the weaving-house at Milan in Liguria,
The procurator of the weaving-house in the city of Rome,
The procurator of the weaving-house at Canosa and Venosa in Apulia,
The procurator of the weaving-house at Carthage in Africa,
The procurator of the weaving-house at Arles in the province of Vienne,
The procurator of the weaving-house at Lyons,
The procurator of the weaving-house at Rheims in Belgica secunda,

The procurator of the weaving-house at Tourney in Belgica secunda,

The procurator of the weaving-house at Trier in Belgica secunda,

The procurator of the weaving-house at Autun—removed from Metz,

The procurator of the weaving-house at Winchester in Britain.

Procurators of the linen-weaving houses:

The procurator of the linen-weaving house at Vienne, in the Gauls,

The procurator of the linen-weaving house at Ravenna in Italy.

Procurators of the dye-houses:

The procurator of the dye-house at Tarentum in Calabria,

The procurator of the dye-house at Salona in Dalmatia,

The procurator of the dye-house at Cissa in Venetia and Istria,

The procurator of the dye-house at Syracuse in Sicily,

The procurator of the dye-houses in Africa,

The procurator of the dye-house at Girba, in the province of Tripolis,

The procurator of the dye-house in the Balearic Isles in Spain,

The procurator of the dye-house at Toulon in the Gauls,

The procurator of the dye-house at Narbonne.

Procurators of the embroiderers in gold and silver:

The procurator of the embroiderers in gold and silver at Arles,

The procurator of the embroiderers in gold and silver at Rheims,

The procurator of the embroiderers in gold and silver at Trier,

Procurators of the goods despatch:

For the Eastern traffic:

The provost of the first Eastern despatch, and the fourth [return],

The provost of the second Eastern despatch, and the third [return],

The provost of the second [return] despatch, and the third from the East,

The provost of the first [return] despatch, and the fourth from the East.

For the traffic with the Gauls:

The provost of the first Gallic despatch, and the fourth [return].

The counts of the markets in Illyricum.

The staff of the aforesaid illustrious count of the sacred bounties includes:

A chief clerk of the whole staff,

A chief clerk of the bureau of fixed taxes,

A chief clerk of the bureau of records,

A chief clerk of the bureau of accounts,

A chief clerk of the bureau of gold bullion,

A chief clerk of the bureau of gold for shipment,

A chief clerk of the bureau of the sacred wardrobe,

A chief clerk of the bureau of silver,

A chief clerk of the bureau of *miliarensia*,

A chief clerk of the bureau of coinage, and other clerks,

A deputy chief clerk of the staff, who is chief clerk of the secretaries,

A sub-deputy chief clerk who has charge of the goods despatch.

XII.

THE COUNT OF THE PRIVATE DOMAIN.

Under the control of the illustrious count of the private domain:

The count of the private bounties,

The count of the Gildonian patrimony,[1]

The accountant of the private properties in Illyricum,

The accountant of the private properties in Italy,[2]

The accountant of the private property in Italy,

[1] Gildo was a Moor who had served the Romans against his rebellious brother in Africa, and been entrusted by them with a high position. But he in turn rebelled, and was killed in battle in 398. His forfeited estates formed the Gildonian patrimony. See Gibbon, Chap. XXIX.

[2] The difference between an accountant of the private property in Italy and one of the private properties (plural) is not understood. It may be a textual error.

The accountant of the private property in the city of Rome, and the suburbicarian regions, and the estate of Faustina,
The accountant of the private property in Sicily,
The accountant of the private property in Africa,
The accountant of the private property in the Spains,
The accountant of the private property in the Gauls,
The accountant of the private property in the Five Provinces,
The accountant of the private property in the imperial estates in Africa,
The procurator of the private property in Sicily,
The procurator of the private property in Apulia and Calabria and the pastures of Carmignano,
The provost of the private property in Sequanicum and Germania prima,
The procurator of the private property in Dalmatia,
The procurator of the private property in Savia,
The procurator of the private property in Italy,
The procurator of the private property in the estates of Julian in the urbicarian regions,
The procurator of the private property in Mauritania Sitifensis,
The procurator of the private property in the weaving-houses at Trier,
The procurator of the weaving-house at Viviers, *rei privatæ Metii translata anhelat*,[1]
The provost of the private baggage-despatch to the East by the lower route,[2]
The provost of the private baggage-despatch to the Gauls.

The staff of the aforesaid count of the private domain includes:
A chief clerk of the whole staff,
A head of the bureau of remitted taxes,
A head of the bureau of the fixed taxes,
A head of the bureau of receipts,
A head of the bureau of private bounties, clerks and other attachés of the aforesaid bureaus,

[1] The text is evidently corrupt, and yields no sense.

[2] By the sea?

A deputy chief clerk of the whole staff, who has charge of the documents of the staff,

Other palatine officials.

XIII.

THE COUNT OF THE HOUSEHOLD HORSE. THE COUNT OF THE HOUSEHOLD FOOT.

Under the control of the illustrious counts of the household horse and foot:

The household horse,

The household foot,

Those assigned from these.

XIV.

THE SUPERINTENDENT OF THE SACRED BEDCHAMBER.

Under the control of worshipful superintendent of the sacred bedchamber:

[The text is wanting.]

XV.

THE CASTELLAN OF THE SACRED PALACE.

Under the control of the worshipful castellan:

[The same as in the similar office in the East, No. XVII, save that here we have "the lady Augusta" in the singular.]

XVI.

THE CHIEF OF THE NOTARIES.

Under the control of the worshipful chief of the notaries:

[The same as in No. XVIII, above.]

XVII.

THE MASTERS OF THE BUREAUS.

The master of the bureau of memorials formulates all rescripts and issues them, and also responds to petitions.

The master of the bureau of correspondence deals with legations from cities and consultations and petitions.

The master of the bureau of requests deals with the hearing of cases and petitions.

XVIII.

THE PROCONSUL OF AFRICA.

Under the control of the worshipful proconsul of Africa:

The proconsular province and its two legates.

His staff is as follows:

A chief of staff from the school of confidential agents of the first class,
A chief deputy,
Two receivers of taxes,
A chief clerk,
A custodian,
A chief assistant,
A keeper of the records,
Assistants,
Secretaries,
Notaries, and the rest of the staff.

XIX.

THE VICAR OF THE CITY OF ROME.

Under the control of the worshipful vicar of the city of Rome are the provinces mentioned below:

Consulars:
of Campania,
of Tuscany and Umbria,
of suburbicarian Picenum,
of Sicily.

Correctors:
of Apulia and Calabria,
of Bruttii and Lucania.

Presidents:
of Samnium,
of Sardinia,
of Corsica,
of Valeria.

The staff of the aforesaid worshipful vicar is as follows:

[Same as in the preceding section, with the addition of a curator of correspondence.]

XXII.

THE VICAR OF THE SEVEN PROVINCES.

Under the control of the worshipful vicar of the Seven Provinces:

Consulars:

of Vienne,
of Lyons,
of Germania prima,
of Germania secunda,
of Belgica prima,
of Belgica secunda.

Presidents:

of the Maritime Alps,
of the Pennine and Graian Alps,
of Maxima Sequanorum,
of Aquitanica prima,
of Aquitanica secunda,
of Novem populi,
of Narbonensis prima,
of Narbonensis secunda,
of Lugdunensis secunda,
of Lugdunensis tertia,
of Lugdunensis Senonia.

The staff of the aforesaid worshipful vicar of the Seven Provinces:

[The same as in No. XIX.]

XXIII.

THE VICAR OF THE BRITAINS.

Under the control of the worshipful vicar of the Britains:

Consulars:

of Maxima Cæsariensis,
of Valentia.

Presidents:

of Britannia prima,
of Britannia secunda,
of Flavia Cæsariensis.

The staff of the same worshipful vicar is as follows:

[The same as in No. XIX.]

XXVI.

THE COUNT OF TINGITANIA.

Under the control of the worshipful count of Tingitania:

Borderers:

[One prefect of a squadron, and seven tribunes of cohorts.]*

The staff of the same worshipful count is as follows:

A chief of staff from the staffs of the masters of the soldiery in the presence; one year from that of the master of foot, the other from that of the master of horse.

A custodian as above,

Two accountants, in alternate years from the aforesaid staffs,

A chief deputy,

A chief assistant,

An assistant,

A registrar,

Secretaries,

Notaries and other officials.

XXXVII.

THE DUKE OF THE ARMORICAN TRACT.

Under the control of the worshipful duke of the Armorican and Nervican tract:

[One tribune of a cohort and nine military prefects.]*

The Armorican and Nervican tract is extended to include the Five Provinces:

Aquitanica prima and secunda, Lugdunensis Senonia, secunda and tertia.

The staff of the same worshipful duke includes:

A chief of staff from the staffs of the masters of soldiery in the presence in alternate years,

An accountant from the staff of the master of foot for one year,

A custodian from the aforesaid staffs in alternate years,

A chief assistant,

An assistant,

A registrar,

Secretaries,

Notaries and other officials.

* Enumeration omitted.

XLIII.

THE CONSULAR OF CAMPANIA.

Under the control of the right honorable consular of Campania:

The province of Campania.

His staff is as follows:

A chief of staff from the staff of the pretorian prefect of Italy,

A chief deputy,

Two accountants,

A chief assistant,

A custodian,

A keeper of the records,

An assistant,

Secretaries and other *cohortalini*, who are not allowed to pass to another service without the permission of the imperial clemency.

All the other consulars have a staff like that of the consular oi Campania.

XLIV.

THE CORRECTOR OF APULIA AND CALABRIA.

Under the jurisdiction of the right honorable corrector of Apulia and Calabria:

The province of Apulia and Calabria.

His staff is as follows:

A chief of the same staff,

A chief deputy,

Two accountants,

A custodian,

A chief assistant,

A keeper of the records,

An assistant,

Secretaries and other *cohortalini*, who are not allowed to pass to another service without the permission of the imperial clemency.

The other correctors have a staff like that of the corrector of Apulia and Calabria.

XLV.

THE PRESIDENT OF DALMATIA.

Under the jurisdiction of the honorable[1] president of Dalmatia:

The province of Dalmatia.

His staff is as follows:

[The same as in No. XLIV.]

The other presidents have a staff like that of the president of Dalmatia.

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[1] *Perfectissimus.* The only instance of this rank—a grade lower than *clarissimus*, "right honorable"—in the *Notitia.*

Translations and Reprints

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. VI. LAWS OF CHARLES THE GREAT. NO. 5.

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INTRODUCTORY NOTE.

All of these documents are translated from the *Capitularia Regum Francorum*, edited by Boretius, in Volume I. of Section 2, of the *Legum* in the *Monumenta Germaniae Historica*, published at Hanover, 1882. Suggestions as to the translation of some of the laws have been borrowed from various works, German, French, Latin and English. The text of the "General Capitulary for the *Missi*" is so hopelessly corrupt that no accurate translation can be made. In parts, as Boretius says, it is difficult to know what the laws mean. In many passages it is necessary to edit the text before translating it.

No bibliography has been attempted. The works on this subject are very numerous, and many of them are strictly technical. An unannotated list would be of little value; a list with annotations would require too much space. Mombert's *Charles the Great* is still the best work in English.

Extracts from the capitulary *De Villis* and an "Inventory of an Estate of Charles the Great" can be found in Vol. III., No. 2, of this series.

CAPITULATIO DE PARTIBUS SAXONIÆ. 775–790.

Boretius, No. 26, p. 68. Latin.

First, concerning the greater chapters it has been enacted.

It was pleasing to all that the churches of Christ, which are now being built in Saxony and consecrated to God, should not have less, but greater and more illustrious honor, than the fanes of the idols had had.

2. If any one shall have fled to a church for refuge, let no one presume to expel him from the church by violence, but he shall be left in peace until he shall be brought to the judicial assemblage; and on account of the honor due to God and the saints, and the reverence due to the church itself, let his life and all his members be granted to him. Moreover, let him plead his cause as best he can and he shall be judged; and so let him be led to the presence of the lord king, and the latter shall send him where it shall have seemed fitting to his clemency.

3. If any one shall have entered a church by violence and shall have carried off anything in it by force or theft, or shall have burned the church itself, let him be punished by death.

4. If any one, out of contempt for Christianity, shall have despised the holy Lenten fast and shall have eaten flesh, let him be punished by death. But, nevertheless, let it be taken into consideration by a priest, lest perchance any one from necessity has been led to eat flesh.

5. If any one shall have killed a bishop or priest or deacon, let him likewise be punished capitally.

6. If any one deceived by the devil shall have believed, after the manner of the pagans, that any man or woman is a witch and eats men, and on this account shall have burned the person, or shall have given the person's flesh to others to eat, or shall have eaten it himself, let him be punished by a capital sentence.

7. If any one, in accordance with pagan rites, shall have caused the body of a dead man to be burned and shall have reduced his bones to ashes, let him be punished capitally.

8. If any one of the race of the Saxons hereafter concealed among them shall have wished to hide himself unbaptized, and shall have scorned to come to baptism and shall have wished to remain a pagan, let him be punished by death.

9. If any one shall have sacrificed a man to the devil, and after

the manner of the pagans shall have presented him as a victim to the demons, let him be punished by death.

10. If any one shall have formed a conspiracy with the pagans against the Christians, or shall have wished to join with them in opposition to the Christians,[1] let him be punished by death; and whosoever shall have consented to this same fraudulently against the king and the Christian people, let him be punished by death.

11. If any one shall have shown himself unfaithful to the lord king, let him be punished with a capital sentence.

12. If any one shall have ravished the daughter of his lord, let him be punished by death.

13. If any one shall have killed his lord or lady, let him be punished in a like manner.

14. If, indeed, for these mortal crimes secretly committed any one shall have fled of his own accord to a priest, and after confession shall have wished to do penance, let him be freed by the testimony of the priest from death.

15. Concerning the lesser chapters all have consented. To each church let the parishioners[2] present a house and two *mansi*[3] of land, and for each one hundred and twenty men, noble and free, and likewise *liti*, let them give to the same church a man-servant and a maid-servant.

16. And this has been pleasing, Christ being propitious, that whencesoever any receipts shall have come into the treasury, either for a breach of the peace or for any penalty of any kind, and in all income pertaining to the king, a tithe shall be rendered to the churches and priests.

17. Likewise, in accordance with the mandate of God, we command that all shall give a tithe of their property and labor to the churches and priests; let the nobles as well as the freemen, and likewise the *liti*, according to that which God shall have given to each Christian, return a part to God.

18. That on the Lord's day no meetings and public judicial assemblages shall be held, unless perchance in a case of great necessity or when war compels it, but all shall go to the church to hear the word of God, and shall be free for prayers or good

[1] *Vel cum illis in adversitate christianorum perdurare voluerit.*

[2] *Pagenses ad ecclesiam recurrentes.*

[3] A *mansus* is, according to Platz, 720 rods long and 30 broad.

works. Likewise, also, on the especial festivals they shall devote themselves to God and to the services of the church, and shall refrain from secular assemblies.

19. Likewise, it has been pleasing to insert in these decrees that all infants shall be baptized within a year; and we have decreed this, that if any one shall have despised to bring his infant to baptism within the course of a year, without the advice or permission of the priest, if he is a noble he shall pay 120 *solidi* to the treasury, if a freeman 60, if a *litus* 30.

20. If any one shall have made a prohibited or illegal marriage, if a noble 60 *solidi*, if a freeman 30, if a *litus* 15.

21. If any one shall have made a vow at springs or trees or groves, or shall have made any offering after the manner of the heathen and shall have partaken of a repast in honor of the demons, if he shall be a noble 60 *solidi*, if a freeman 30, if a *litus* 15. If, indeed, they have not the means of paying at once, they shall be given into the service of the church until the *solidi* are paid.

22. We command that the bodies of Saxon Christians shall be carried to the church cemeteries and not to the mounds of the pagans.

23. We have ordered that diviners and soothsayers shall be given to the churches and priests.

24. Concerning robbers and malefactors who shall have fled from one county to another, if any one shall receive them into his power and shall keep them with him for seven nights, except for the purpose of bringing them to justice, let him pay our ban. Likewise, if a count shall have concealed him and shall be unwilling to bring him forward so that justice may be done and is not able to excuse himself for this, let him lose his office.

25. Concerning a pledge: that no one shall in any way presume to pledge another, and whosoever shall do this shall pay the ban.

26. That no one shall presume to impede any man coming to us to claim justice; and if any one shall have attempted to do this, he shall pay our ban.

27. If any man shall not have been able to find a fidejussor, his property shall be sequestrated until he shall present a fidejussor. If, indeed, he shall have presumed to enter into his own dwelling in defiance of the ban, he shall forfeit either ten *solidi* or an ox for the violation of the ban itself, and in addition he shall pay the

sum for which he was in debt. If, indeed, the fidejussor shall not observe the day fixed, then he shall suffer as much loss as his proportion of the guarantee was; moreover, he who was debtor to the fidejussor shall restore double the loss which he has permitted the fidejussor to incur.

28. Concerning presents and gifts: let no one receive gifts to the detriment of an innocent person; and if any one shall have presumed to do this, he shall pay our ban. And if perchance the count shall have done this (may it not happen!) he shall lose his office.

29. Let all the counts strive to preserve peace and unity with one another; and if perchance any discord or disturbance shall have arisen between them, they shall not on this account neglect either our aid or profit.[1]

30. If any one shall have killed or shall have aided in the murder of a count, his property shall go to the king, and he shall become the serf of the latter.

31. We have granted the authority to the counts within their jurisdiction of inflicting the ban of 60 *solidi* for revenge (*faida*) or the greater crimes; for the lesser crimes, on the other hand, we have fixed the ban of the count at 15 *solidi*.

32. If any one owes an oath to any man whatsoever, let him duly make his oaths to that one at the church on the day appointed; and if he shall have despised to take the oath, let him give a pledge, and let him who was contumacious pay fifteen *solidi*, and afterwards let him fully compound for his act.

33. Concerning perjuries, let it be according to the law of the Saxons.[2]

34. We have forbidden that all the Saxons shall hold public assemblies in general, unless perchance our *missus* shall have caused them to come together in accordance with our command; but each count shall hold judicial assemblies and administer justice in his jurisdiction. And this shall be cared for by the priests, lest it be done otherwise.

[1] Abel substitutes *profectum* for *perfectum*, and this suggestion has been followed in the translation.

[2] Death penalty.

CAPITULARIES RELATING TO THE ARMY.

Capitulare Haristallense. 779.

Boretius, No. 20, p. 50. Latin.

Ch. 14. Let no one presume to gather an armed following (*truste*).

Ch. 20. Let no one dare to sell any byrnies outside of our realm.

Capitulare Missorum. 803.

Boretius, No. 40, p. 115. Latin.

Ch. 7. Bucklers and byrnies shall not be given to the merchants.

Capitulare Italicum. 801.

Boretius, No. 98, p. 205. Latin.

Ch. 2. *De haribanno.* If any free man, out of contempt for our command, shall have presumed to remain at home when the others go to war, let him know that he ought to pay the full *haribannum* according to the law of the Franks, that is, sixty *solidi*. Likewise, also, for contempt of single capitularies which we have promulgated by our royal authority, that is, any one who shall have broken the peace decreed for the churches of God, widows, orphans, wards, and the weak, shall pay the fine of sixty *solidi*.

Ch. 3. Concerning deserters. If any one shall have shown himself so contumacious or haughty as to leave the army and return home without the command or permission of the king, that is, if he is guilty of what we call in the German language *herisliz*, he himself, as a criminal, shall incur the peril of losing his life, and his property shall be confiscated for our treasury.

Capitulare Missorum in Theodonis Villa datum secundum, generale. 805 (?).

Boretius, No. 44, p. 123. Latin.

Ch. 6. Concerning the equipment in the army the same shall be observed as we have previously commanded in another capitulary,[1] and, in particular, every man who possesses twelve *mansi* shall have a byrnie; he who has a byrnie and shall not have brought it with him shall lose his whole benefice, together with the byrnie.

[1] The capitulary referred to is not now in existence.

Ch. 7. Concerning the merchants who go to the countries of the Slavs and Avars, whither they ought to go on their business; that is, in the country of the Saxons as far as Bardowiek, which is under the charge of *Hredi;* and to Schesel, which is under the charge of *Madalgaudus;* and to Magdeburg, which is under the charge of *Aito;* and to Erfurt, which is under the charge of *Madalgaudus;* and to *Halazstat*,[1] which is under the charge of the same *Madalgaudus;* to Forchheim and to Pfreimt and to Regensburg, which are under the charge of *Audulfus;* and to Lorsch, which is under the charge of *Warnarius*. And they shall not carry arms and byrnies for sale; but if they shall have been discovered carrying any, all their property shall be taken from them; half shall go to the royal treasury, the other half shall be divided between the above-mentioned *missi* and the discoverer.

Ch. 19 (p. 125). Concerning the *heribannum* we will that our *missi* ought to exact it faithfully this year in accordance with our command, without indulgence for any person, either from favors or terror; that is, that they shall receive the lawful fine, namely, three pounds, from each man who has six pounds in gold, silver, byrnies, brazen utensils, clothing, horses, oxen, cows, or other live stock; but the women and children shall not be deprived of their garments for this fine. Those who do not have the aforesaid property to the value of more than three pounds shall pay thirty *solidi;* he who has not more than two pounds, ten *solidi;* if, indeed, any one has not more than one pound, five *solidi*, so that he may be able again to prepare himself for the service of God and for our need. And our *missi* shall take care and inquire diligently, lest through any evil action any defraud our justice by transferring or commending their property to others.

Memoratorium de exercitu in Gallia occidentali præparando. 807.

Boretius, No. 48, p. 134. Latin.

Ch. 1. In the first place, all who seem to have benefices shall come to the army.

Ch. 2. Each free man who seems to hold five *mansi* shall likewise come to the army; and he who holds four *mansi* shall do the same; and he who seems to have three shall likewise go. Moreover, wherever two have been found of whom each seems to have

[1] Not in existence to-day; it was near Bamberg.

two *mansi*, one shall equip the other, and the one of them who shall be better able shall come to the army. And where two shall have been found of whom one has two *mansi* and the other has one *mansus*, they shall join together in the same way and one shall equip the other, and the one who shall be better able shall come to the army. Wherever, moreover, three shall have been found of whom each has one *mansus*, two shall equip the third, the one of them who is better able shall come to the army. Of those who have half a *mansus*, five shall equip the sixth. And of those who shall have been found so poor that they have neither serfs nor their own property in lands, and yet have personal property to the value of — *solidi*,[1] five shall prepare a sixth [and where two, a third from those who seem to have small possessions in land].[2] And to each one of those who go in the army five *solidi* shall be paid by the aforesaid poorer ones who seem to have no property in land. And let no one abandon his lord on this account.

Capitula de causis diversis. 807 (?).

Boretius, No. 49, p. 136. Latin.

Ch. 2. If it shall be necessary to furnish aid against the Saracens of Spain or the Avars, then five of the Saxons shall equip a sixth; and if it shall be necessary to bear aid against the Bohemians, two shall equip a third; if, indeed, there is need of defending the native country against the Sorbs, then all shall come together.

Ch. 3. From the Frisians we will that the counts and our vassals, who seem to have benefices, and all the horsemen in general, shall come well prepared to our assembly; of the remaining poorer men six shall equip a seventh, and thus they shall come well prepared for war to the aforesaid assembly.

Capitulare missorum de exercitu promovendo. 808.

Boretius, No. 50, p. 136. Latin.

Ch. 1. Every free man who has four *mansi* of his own property, or as a benefice from any one, shall equip himself and go to the army, either with his lord, if the lord goes, or with his count. He who

[1] Amount uncertain. Boretius thinks it should be 100 *solidi* or five pounds.

[2] Boretius thinks the words in brackets are wrongly placed and possibly ought to come above after "two shall equip the third."

has three *mansi* of his own property shall be joined to a man who has one *mansus*, and shall aid him so that he may serve for both. He who has only two *mansi* of his own property shall be joined to another who likewise has two *mansi*, and one of them, with the aid of the other, shall go to the army. He who has only one *mansus* of his own shall be joined to one of three who have the same and shall aid him, and the latter shall go alone; the three who have aided him shall remain at home.

Ch. 4. From the men who have been enfeoffed by the counts the following are to be excepted and are not commanded to pay the ban: two who shall have been left behind with the wife of a count and two others who shall have been commanded to remain to guard his territory and to perform our service. In this case we command, however, that each count shall leave at home two men to guard each separate territory which he has, in addition to those two who remain with his wife; all the others, without any exception, he shall have with him, or if he remains at home, he shall order them to proceed with the one who goes to the army in his stead. A bishop or abbot shall leave at home only two of those who are enfeoffed and laymen.

Capitulare Bononiense. 811, Oct.

Boretius, No. 74, p. 166. Latin.

Ch. 3. If any man holding an office under us shall have been summoned to the host and shall not have come to the appointed muster, he shall abstain from flesh and wine for as many days as he shall have been proved to be late in coming to the appointed muster.

Ch. 4. If any one, without the license or permission of the prince, shall have returned from the army, the Franks call this *herisliz*, we wish the ancient law to be preserved, that is, he shall be punished by a capital sentence.

Ch. 5. If any one of those who hold a royal benefice shall have abandoned his peer proceeding in the army against the common enemies, and shall have been unwilling to go or stay with him, he shall lose his office and benefice.

Ch. 6. That in the host no one shall ask his peer or any other man to drink. And if any drunken person shall have been found in the army, he shall be so excommunicated that in drinking he

shall use nothing but water until he acknowledges that he has acted wrongly.

Ch. 7. Concerning the royal vassals who serve in the household at the present time and yet are known to have benefices, it has been decided that those who remain at home with the lord emperor shall not retain their vassals in the household with themselves, but shall permit the vassals to go with the count to whose district they belong.

Ch. 8. It has been enacted that the preparation for serving in the army shall be defined and continued in accordance with the ancient custom, namely, victuals for a three months' march and arms and clothing for a half-year. But, nevertheless, it has been decided that this shall be observed in the following manner, so that those who march from the Rhine to the Loire shall compute the beginning of their provision from the Loire; those, indeed, who make their journey from the Loire to the Rhine shall compute their victuals for the three months from the Rhine; those, moreover, who dwell across the Rhine and proceed through Saxony shall know that the Elbe is their boundary; and those who remain across the Loire and ought to go to Spain shall know that the Pyrenees Mountains are their boundary.

Ch. 9. If it shall have been learned that any free man has not been, during the present year, in the army with his lord, he shall be compelled to pay the full *heribannum*. And if his lord or count shall have permitted him to remain at home, the former shall pay the same fine on his account; and as many *heribanni* shall be demanded as he has allowed men to remain at home. And because in the present year we have allowed each lord to leave two of his men at home, we will that these shall be shown to our *missi*, because we have granted the *heribannum* to these alone.

Ch. 10. It has been enacted that no bishop or abbot or abbess, or any rector or guardian of a church, shall presume without our permission to give or sell a byrnie or sword to any man outside, except only to his own vassals. And if it shall happen that he has in any church or sacred place more byrnies than are sufficient for the men who guard the same church, then the same rector of the church shall ask the king what ought to be done with these.

Capitulare Aquisgranense. 801–813.

Boretius, No. 77, p. 170. Latin.

Ch. 9. Concerning going to the army; the count in his county under penalty of the ban, and each man under penalty of sixty *solidi* shall go to the army, so that they come to the appointed muster at that place where it is ordered. And the count himself shall see in what manner they are prepared, that is, each one shall have a lance, shield, bow with two strings, twelve arrows. And the bishops, counts, abbots shall oversee their own men and shall come on the day of the appointed muster and there show how they are prepared. Let them have breast-plates or helmets, and let them proceed to the army, that is, in the summer.

Ch. 10. That the equipments of the king shall be carried in carts, also the equipments of the bishops, counts, abbots and nobles of the king; flour, wine, pork and victuals in abundance, mills, adzes, axes, augers, slings, and men who know how to use these well. And the marshals of the king shall add stones for these on twenty beasts of burden, if there is need. And each one shall be prepared for the army and shall have plenty of all utensils. And each count shall save two parts of the fodder in his county for the army's use, and he shall have good bridges, good boats.

LETTER OF CHARLES TO ABBOT FULRAD. 804–811.

Boretius, No. 75, p. 168. Latin.

In the name of the Father, Son and Holy Ghost. Charles, most serene, august, crowned by God, great pacific Emperor, and also, by God's mercy, King of the Franks and Lombards, to Abbot Fulrad.

Be it known to you that we have decided to hold our general assembly this year in the eastern part of Saxony, on the river Bode, at the place which is called Stassfurt. Therefore, we have commanded you to come to the aforesaid place, with all your men well armed and prepared, on the fifteenth day before the Kalends of July, that is, seven days before the festival of St. John the Baptist. Come, accordingly, so equipped with your men to the aforesaid place that thence you may be able to go well prepared in any direction whither our summons shall direct; that is, with arms and gear also, and other equipment for war in food and

clothing. So that each horseman shall have a shield, lance, sword, dagger, bow and quivers with arrows; and in your carts utensils of various kinds, that is, axes, planes, augers, boards, spades, iron shovels, and other utensils which are necessary in an army. In the carts also supplies of food for three months, dating from the time of the assembly, arms and clothing for a half-year. And we command this in general, that you cause it to be observed that you proceed peacefully to the aforesaid place, through whatever part of our realm your journey shall take you, that is, that you presume to take nothing except fodder, wood and water; and let the men of each one of your vassals march along with the carts and horsemen, and let the leader always be with them until they reach the aforesaid place, so that the absence of a lord may not give an opportunity to his men of doing evil.

Send your gifts, which you ought to present to us at our assembly in the middle of the month of May, to the place where we then shall be; if perchance your journey shall so shape itself that on your march you are able in person to present these gifts of yours to us, we greatly desire it. See that you show no negligence in the future if you desire to have our favor.

CAPITULARIES RELATING TO EDUCATION.

LETTER OF CHARLES "DE LITTERIS COLENDIS." 780–800.

Boretius, No. 29, p. 78. Latin.

Charles, by the grace of God, King of the Franks and Lombards and Patrician of the Romans, to Abbot Baugulf and to all the congregation, also to the faithful committed to you, we have directed a loving greeting by our ambassadors in the name of omnipotent God.

Be it known, therefore, to your devotion pleasing to God, that we, together with our faithful, have considered it to be useful that the bishoprics and monasteries entrusted by the favor of Christ to our control, in addition to the order of monastic life and the intercourse of holy religion, in the culture of letters also ought to be zealous in teaching those who by the gift of God are able to learn, according to the capacity of each individual, so that just as the observance of the rule imparts order and grace to honesty of morals, so also zeal in teaching and learning may do the same for

sentences, so that those who desire to please God by living rightly should not neglect to please him also by speaking correctly. For it is written: "Either from thy words thou shalt be justified or from thy words thou shalt be condemned."[1] For although correct conduct may be better than knowledge, nevertheless knowledge precedes conduct. Therefore, each one ought to study what he desires to accomplish, so that so much the more fully the mind may know what ought to be done, as the tongue hastens in the praises of omnipotent God without the hindrances of errors. For since errors should be shunned by all men, so much the more ought they to be avoided as far as possible by those who are chosen for this very purpose alone, so that they ought to be the especial servants of truth. For when in the years just passed letters were often written to us from several monasteries in which it was stated that the brethren who dwelt there offered up in our behalf sacred and pious prayers, we have recognized in most of these letters both correct thoughts and uncouth expressions; because what pious devotion dictated faithfully to the mind, the tongue, uneducated on account of the neglect of study, was not able to express in the letter without error. Whence it happened that we began to fear lest perchance, as the skill in writing was less, so also the wisdom for understanding the Holy Scriptures might be much less than it rightly ought to be. And we all know well that, although errors of speech are dangerous, far more dangerous are errors of the understanding. Therefore, we exhort you not only not to neglect the study of letters, but also with most humble mind, pleasing to God, to study earnestly in order that you may be able more easily and more correctly to penetrate the mysteries of the divine Scriptures. Since, moreover, images, tropes and similar figures are found in the sacred pages, no one doubts that each one in reading these will understand the spiritual sense more quickly if previously he shall have been fully instructed in the mastery of letters. Such men truly are to be chosen for this work as have both the will and the ability to learn and a desire to instruct others. And may this be done with a zeal as great as the earnestness with which we command it. For we desire you to be, as it is fitting that soldiers of the church should be, devout in mind, learned in discourse, chaste in conduct

[1] Matthew, xii. 37.

and eloquent in speech, so that whosoever shall seek to see you out of reverence for God, or on account of your reputation for holy conduct, just as he is edified by your appearance, may also be instructed by your wisdom, which he has learned from your reading or singing, and may go away joyfully giving thanks to omnipotent God. Do not neglect, therefore, if you wish to have our favor, to send copies of this letter to all your suffragans and fellow-bishops and to all the monasteries. [And let no monk hold courts outside of his monastery or go to the judicial and other public assemblies. Farewell. (*Legens valeat.*)]

Karoli Epistola Generalis. 786–800.

Boretius, No. 30, p. 80. Latin.

Charles, confiding in the aid of God, King of the Franks and Lombards, and Patrician of the Romans, to the religious lectors subject to our power.

Since the divine clemency always guards us at home and abroad, in the issues of war or in the tranquillity of peace, though human insignificance is in no way able to pay back His benefits, nevertheless, because our God is inestimable in His mercy, He approves benignly the goodwill of those devoted to His service. Therefore, because we take care constantly to improve the condition of our churches, we have striven with watchful zeal to advance the cause of learning, which has been almost forgotten by the negligence of our ancestors; and, by our example, also we invite those whom we can to master the study of the liberal arts. Accordingly, God aiding us in all things, we have already corrected carefully all the books of the Old and New Testaments, corrupted by the ignorance of the copyists.

Incited, moreover, by the example of our father Pippin, of venerated memory, who by his zeal decorated all the churches of the Gauls with the songs of the Roman church, we are careful by our skill to make these churches illustrious by a series of excellent lectionaries. Finally, because we have found the lectionaries for the nocturnal offices, compiled by the fruitless labor of certain ones, in spite of their correct intention, unsuitable because they were written without the words of their authors and were full of an infinite number of errors, we cannot suffer in our days discordant solecisms to glide into the sacred lessons among the holy offices, and we purpose to improve these lessons. And we have

entrusted this work to Paul the deacon, our friend and client. We have directed him to peruse carefully the sayings of the catholic fathers and to choose, so to speak, from the most broad meadows of their writings certain flowers, and from the most useful to form, as it were, a single garland. He, desiring to obey devoutly our highness, has read through the treatises and sermons of the different catholic fathers, has chosen from each the best, and has presented to us in two volumes lessons suitable for the whole year and for each separate festival, and free from error. We have examined the text of all these with our wisdom, we have established these volumes by our authority, and we deliver them to your religion to be read in the churches of Christ.[1]

Admonitio Generalis. 789.

Boretius, No. 22, pp. 59–60. Latin.

Ch. 72. And we also demand of your holiness that the ministers of the altar of God shall adorn their ministry by good manners, and likewise the other orders who observe a rule and the congregations of monks. We implore them to lead a just and fitting life, just as God Himself commanded in the Gospel.[2] "Let your light so shine before men that they may see your good works and glorify your Father which is in heaven," so that by their example many may be led to serve God; and let them join and associate to themselves not only children of servile condition, but also sons of free men. And let schools be established in which boys may learn to read. Correct carefully the Psalms, the signs in writing (*notas*), the songs, the calendar, the grammar, in each monastery or bishopric, and the catholic books; because often some desire to pray to God properly, but they pray badly because of the incorrect books. And do not permit your boys to corrupt them in reading or writing. If there is need of writing the Gospel, Psalter and Missal, let men of mature age do the writing with all diligence.

Capitulare Missorum. 803.

Boretius, No. 40, p. 115. Latin.

Ch. 2. Priests shall not be ordained without an examination.[3]

[1] *Cf.* Ebert, *Literatur des Mittelalters*, Vol. II, p. 47, for long continued use of Paul's compilation.

[2] Matthew, v. 16.

[3] See Boretius, pp. 234 and 235, for what priests were required to know.

And excommunications shall not be ordered at random and without cause.

Capitulare Missorum. 802–813.

Boretius, No. 60, p. 147. Latin.

Ch. 2. [We will and command] that laymen shall learn thoroughly the creed and the Lord's prayer.

GENERAL CAPITULARY FOR THE MISSI. 802.

Boretius, No. 33, pp. 91–99. Latin.

First chapter. Concerning the embassy sent out by the lord emperor. Therefore, the most serene and most Christian lord emperor Charles has chosen from his nobles the wisest and most prudent men, both archbishops and some of the other bishops also, and venerable abbots and pious laymen, and has sent them throughout his whole kingdom, and through them by all the following chapters has allowed men to live in accordance with the correct law. Moreover, where anything which is not right and just has been enacted in the law, he has ordered them to inquire into this most diligently and to inform him of it; he desires, God granting, to reform it. And let no one, through his cleverness or astuteness, dare to oppose or thwart the written law, as many are wont to do, or the judicial sentence passed upon him, or to do injury to the churches of God or the poor or the widows or the wards or any Christian. But all shall live entirely in accordance with God's precept, justly and under a just rule, and each one shall be admonished to live in harmony with his fellows in his business or profession; the canonical clergy ought to observe in every respect a canonical life without heeding base gain, nuns ought to keep diligent watch over their lives, laymen and the secular clergy ought rightly to observe their laws without malicious fraud, and all ought to live in mutual charity and perfect peace. And let the *missi* themselves make a diligent investigation whenever any man claims that an injustice has been done to him by any one, just as they desire to deserve the grace of omnipotent God and to keep their fidelity promised to Him, so that entirely in all cases everywhere, in accordance with the will and fear of God, they shall administer the law fully and justly in the case of the holy churches of God and of the poor, of wards and widows

and of the whole people. And if there shall be anything of such a nature that they, together with the provincial counts, are not able of themselves to correct it and to do justice concerning it, they shall, without any ambiguity, refer this, together with their reports, to the judgment of the emperor; and the straight path of justice shall not be impeded by any one on account of flattery or gifts from any one, or on account of any relationship, or from fear of the powerful.

2. Concerning the fidelity to be promised to the lord emperor. And he commanded that every man in his whole kingdom, whether ecclesiastic or layman, and each one according to his vow and occupation, should now promise to him as emperor the fidelity which he had previously promised to him as king; and all of those who had not yet made that promise should do likewise, down to those who were twelve years old. And that it shall be announced to all in public, so that each one might know, how great and how many things are comprehended in that oath; not merely, as many have thought hitherto, fidelity to the lord emperor as regards his life, and not introducing any enemy into his kingdom out of enmity, and not consenting to or concealing another's faithlessness to him; but that all may know that this oath contains in itself this meaning:

3. First, that each one voluntarily shall strive, in accordance with his knowledge and ability, to live wholly in the holy service of God in accordance with the precept of God and in accordance with his own promise, because the lord emperor is unable to give to all individually the necessary care and discipline.

4. Secondly, that no man, either through perjury or any other wile or fraud, on account of the flattery or gift of any one, shall refuse to give back or dare to abstract or conceal a serf of the lord emperor or a district or land or anything that belongs to him; and that no one shall presume, through perjury or other wile, to conceal or abstract his fugitive fiscaline serfs who unjustly and fraudulently say that they are free.

5. That no one shall presume to rob or do any injury fraudulently to the churches of God or widows or orphans or pilgrims; for the lord emperor himself, after God and His saints, has constituted himself their protector and defender.

6. That no one shall dare to lay waste a benefice of the lord emperor, or to make it his own property.

7. That no one shall presume to neglect a summons to war from the lord emperor; and that no one of the counts shall be so presumptuous as to dare to dismiss thence any one of those who owe military service, either on account of relationship or flattery or gifts from any one.

8. That no one shall presume to impede at all in any way a ban or command of the lord emperor, or to dally with his work or to impede or to lessen or in any way to act contrary to his will or commands. And that no one shall dare to neglect to pay his dues or tax.

9. That no one, for any reason, shall make a practice in court of defending another unjustly, either from any desire of gain when the cause is weak, or by impeding a just judgment by his skill in reasoning, or by a desire of oppressing when the cause is weak. But each one shall answer for his own cause or tax or debt unless any one is infirm or ignorant of pleading; for these the *missi* or the chiefs who are in the court or the judge who knows the case in question shall plead before the court; or if it is necessary, such a person may be allowed as is acceptable to all and knows the case well; but this shall be done wholly according to the convenience of the chiefs or *missi* who are present. But in every case it shall be done in accordance with justice and the law; and that no one shall have the power to impede justice by a gift, reward, or any kind of evil flattery or from any hindrance of relationship. And that no one shall unjustly consent to another in anything, but that with all zeal and goodwill all shall be prepared to carry out justice.

For all the above mentioned ought to be observed by the imperial oath.

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10. That bishops and priests shall live according to the canons and shall teach others to do the same.

11. That bishops, abbots, abbesses, who are in charge of others, with the greatest veneration shall strive to surpass their subjects in this diligence and shall not oppress their subjects with a harsh rule or tyranny, but with sincere love shall carefully guard the flock committed to them with mercy and charity or by the examples of good works.

12. That abbots shall live where the monks are and wholly

with the monks, in accordance with the rule, and shall diligently learn and observe the canons; the abbesses shall do the same.

13. That bishops, abbots and abbesses shall have advocates, vicars and *centenarii*[1] who know the law and love justice, who are pacific and merciful, so that through these greater profit or advantage may accrue to the holy church of God; because we are entirely unwilling to have in the monasteries harmful and greedy provosts and advocates, from whom greater blasphemy or injury may arise for us. But they shall be such as the canonical or regular institution orders them to be, submissive to the will of God and always ready to render justice to all, fully observing the law without malicious fraud, always exercising a just judgment in the case of all, such provosts indeed as the holy rule teaches that they should be. And let them wholly observe this, that they shall in no way deviate from the canonical or regular norm,[2] but shall exhibit humility in all things. If, moreover, they shall have presumed to do otherwise, let them feel the discipline of the rule; and if they shall have been unwilling to amend their ways, they shall be removed from the provostship, and those who are more worthy shall be appointed in their places.

14. That bishops, abbots and abbesses, and counts shall be mutually in accord, following the law in order to render a just judgment with all charity and unity of peace, and that they shall live faithfully in accordance with the will of God, so that always everywhere through them and among them a just judgment shall be rendered. The poor, widows, orphans and pilgrims shall have consolation and defence from them; so that we, through their good-will, may deserve the reward of eternal life rather than punishment.

15. We will and command in every way that abbots and monks shall be subject to their bishops in all humility and obedience, just as is commanded by the canonical constitution. And all the churches and basilicas shall remain in the defense and power of the church. And no one shall dare to divide or to cast lots con-

[1] A *centenarius* is the ruler of a *centena;* the latter is a subdivision of a province or county.

[2] The Latin reads: *ut nullatenus a quibus magis nobis a canonica vel regulari norma discendant.* I have omitted *a quibus magis nobis* because I could not translate it.

cerning the property of the basilicas. And what has once been offered shall not be taken back, and shall be sanctified and shall be claimed as legal property. But if any one shall have presumed to do otherwise he shall pay and make good our ban. And the monks shall be corrected by the bishops of their province; but if they do not amend their ways then the archbishop shall summon them to the synod; and if even then they shall not have amended their ways, then they shall come together with their bishop to our presence.

16. Concerning choosing men for ordination, just as the lord emperor had formerly granted it, by the law of the Franks, to the bishops and abbots, so he has also now confirmed it; nevertheless, in this manner, so that neither a bishop nor an abbot in a monastery shall prefer the more worthless to the better, and he shall not desire to advance any one before his betters on account of relationship or any flattery, and that he shall not lead such an one to us to be ordained when he has a better concealed and kept back; we are in no way willing that this should be done, because it seems to be a mockery and deceit of us. But in the monasteries men of such a character are to be prepared for ordination that reward and profit may accrue both to us and to those who recommend them.

17. Moreover, that the monks shall live firmly and strictly in accordance with the rule, because we know that any one whose goodwill is lukewarm is displeasing to God, as John bears witness in the Apocalypse:[1] "I would that thou wert cold or hot. So then, because thou art lukewarm, and neither cold nor hot, I will spue thee out of my mouth." Let them in no way usurp to themselves secular business. They shall not have leave to go outside of their monastery at all, unless compelled by a very great necessity; but nevertheless the bishops, in whose diocese they shall be, shall take care in every way that they do not get accustomed to wandering outside of the monastery. But if it shall be necessary for any one to go outside in obedience to a command, and this shall be done with the counsel and consent of the bishop, persons of such character shall be sent out with a certificate, that there may be no suspicion of evil in them and that no evil report may arise from them. For the property and business outside of

[1] Rev., iii. 15, 16.

the monastery the abbot, with the permission and counsel of the bishop, shall ordain who shall provide, not a monk, but another of the faithful.[1] Let them wholly shun secular gain or a desire for worldly affairs, because avarice or a desire for this world ought to be shunned by all Christians, but especially by those who seem to have renounced the world and its lusts. Let no one presume in any way to incite strifes and controversies, either within or outside of the monastery. But if any one shall have presumed to do so, he shall be corrected by the most severe discipline of the rule and in such a manner that others shall fear to commit such actions. Let them entirely shun drunkenness and feasting, because it is known to all that from these men are especially polluted by lust. For a most pernicious rumor has come to our ears that many in the monasteries have already been detected in fornication and in abomination and uncleanness. It especially saddens and disturbs us that it can be said, without a great mistake, that some of the monks are understood to be sodomites, so that whereas the greatest hope of salvation to all Christians is believed to arise from the life and chastity of the monks, damage has been incurred instead. Therefore, we also ask and urge that henceforth all shall most earnestly strive with all diligence to preserve themselves from these evils, so that never again such a report shall be brought to our ears. And let this be known to all, that we in no way dare to consent to those evils in any other place in our whole kingdom; so much the less, indeed, in the persons of those whom we desire to be examples of chastity and moral purity. Certainly, if any such report shall have come to our ears in the future, we shall inflict such a penalty, not only on the guilty but also on those who have consented to such deeds, that no Christian who shall have heard of it will ever dare in the future to perpetrate such acts.

18. Monasteries for women shall be firmly ruled, and the women shall not be permitted to wander about at all, but they shall be guarded with all diligence, and they shall not presume to arouse litigations or strife among themselves, nor shall they dare to be disobedient or refractory in any way toward their rulers and abbesses. Where, moreover, they have a rule, let them observe it in every respect; let them not be given to fornication or drunk-

[1] The Latin reads *non monachum nisi alium fidelem.*

enness or lust, but let them live justly and soberly in every respect. And into their cloisters or monasteries let no man enter, except when the priest enters with a witness to visit the sick, or for the mass alone; and let him immediately go forth. And let no one from another place enroll his daughter in the congregation of the nuns without the knowledge and consideration of the bishop to whose diocese that place pertains; and the latter shall diligently inquire why she desires to remain in the holy service of God, and shall confirm her residence or profession in that place. Moreover, maid-servants belonging to other men, or such women as are [not] willing to live in the holy congregation in accordance with its manner of life, shall be wholly cast out from the congregation.

19. That no bishops, abbots, priests, deacons, or other members of the clergy shall presume to have dogs for hunting, or hawks, falcons and sparrow-hawks, but each shall observe fully the canons or rule of his order. If any one shall presume to do so, let him know that he shall lose his office. And in addition he shall suffer such punishment for it that the others will be afraid to usurp such things for themselves.

20. That abbesses, together with their nuns, shall live within the cloisters in concord and watchfully, and shall never presume to go outside of their cloisters. But if the abbesses wish to send any nuns out of the cloisters, they shall not do this without the consent and advice of their bishops. Likewise, also, when there ought to be any ordinations or receptions in the monasteries, they shall previously discuss these fully with their bishops; and the bishops shall announce to the archbishop what seems the safer or more useful way, and with his advice they shall perform what ought to be done.

21. That priests and the remaining canonical clergy, whom they have as associates in their ministry, shall be wholly subject to their bishops, as the canonical institution orders; let them consent to be taught the sacred discipline fully by their bishops, as they desire to have our favor or their own offices.

22. Moreover, the canonical clergy shall observe fully the canonical life, and shall be instructed at the episcopal residence or in the monastery with all diligence according to the canonical discipline. They shall not be permitted to wander outside at all, but shall live under strict guardianship, not given to base gain,

not fornicators, not thieves, not homicides, not robbers, not quarrelsome, not wrathful, not proud, not drunken, but with a chaste heart and body, humble, modest, sober, merciful, pacific, that as sons of God they may be worthy to be promoted in the sacred order; not in the villages or villas near to or adjoining the churches, without a master and without discipline, like those who are called sarabaites, living in luxury or fornication or other iniquity, to consent to which is absurd.

23. The priests shall carefully watch over the clerks whom they have with them, that the latter live according to the canons; that they are not given to vain sports or worldly convivialities or songs or luxuries; but that they live chastely and healthfully.

24. If, moreover, any priest or deacon shall presume hereafter to have with him in his house any women except those whom the canonical license permits, he shall be deprived of both his office and inheritance until he be brought to our presence.

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25. That counts and *centenarii* shall compel all to do justice in every respect, and shall have such assistants in their ministries as they can securely confide in, who will observe law and justice faithfully, who will oppress the poor in no manner, who will not dare under any pretext, on account of flattery or reward, to conceal thieves, robbers, murderers, adulterers, magicians, wizards or witches, and all sacrilegious men, but instead will give them up that they may be punished and chastised in accordance with the law, so that, God granting it, all of these evils may be removed from the Christian people.

26. That judges shall judge justly in accordance with the written law, and not according to their own will.

27. And we command that no one in our whole kingdom shall dare to deny hospitality to rich or poor or pilgrims, that is, no one shall deny shelter and fire and water to pilgrims traversing our country in God's name, or to anyone travelling for the love of God or for the safety of his own soul. If, moreover, any one shall wish to serve them farther, let him expect the best reward from God, who Himself said: "And whoso shall receive one such little child in my name, receiveth me;"[1] and elsewhere: "I was a stranger and ye took me in."[2]

[1] Matthew, xviii. 5. [2] Matthew, xxv. 35.

28. Concerning embassies coming from the lord emperor. That the counts and *centenarii* shall provide most carefully, as they desire the grace of the lord emperor, for the *missi* who are sent out, so that they may go through their departments without any delay; and he commands to all everywhere that they ought to see to it that no delay is encountered anywhere, but they shall cause them to go on their way in all haste and shall provide for them in such a manner as our *missi* may direct.

29. Concerning the poor to whom in his mercy the lord emperor has granted the ban which they ought to pay, that the judges, counts or our *missi* shall not, for their own advantage, have the power to compel them to pay the fine which has been granted to them.

30. Concerning those whom the lord emperor wishes, Christ being propitious, to enjoy peace and protection in his kingdom, namely, those who are hastening to his clemency, either Christians or pagans, because they desire to announce some news, or seeking his aid on account of their poverty or hunger, that no one shall dare to constrain them to serve him, or to seize them, or alienate or sell them; but wherever they may wish to remain voluntarily, there under the defence of the lord emperor they shall be aided in his mercy. If any one shall have presumed to act contrary to this, let him who has so presumptuously despised the commands of the lord emperor, know that he shall suffer the loss of his life for it.

31. And against those who announce the justice of the lord emperor, let no one presume to plot any injury or damage, or to stir up any enmity. But if any one shall have presumed, let him pay the imperial ban or, if he deserves a heavier punishment, it is commanded that he shall be brought to the emperor's presence.

32. Murders, by which a multitude of the Christian people perishes, we command in every way to be shunned and to be forbidden; God Himself forbade to His followers hatred and enmity, much more murder. For in what manner does any one trust to placate God, who has killed his son nearest to him? In what manner truly does he, who has killed his brother, think that the Lord Christ will be propitious to him? It is a great and terrible danger also with God the Father and Christ, Lord of heaven and earth, to stir up enmities among men: it is possible to escape for some time by remaining concealed, but nevertheless by accident

at some time he falls into the hands of his enemies; moreover, where is it possible to flee from God, to whom all secrets are manifest? By what rashness does any one think to escape His anger? Wherefore, lest the people committed to us to be ruled over should perish from this evil, we have taken care to shun this by every means of discipline; because he who shall not have dreaded the wrath of God, shall find us in no way propitious or to be placated; but we wish to inflict the most severe punishment upon any one who shall have dared to murder a man. Nevertheless, lest sin should also increase, in order that the greatest enmities may not arise among Christians, when by the persuasions of the devil murders happen, the criminal shall immediately hasten to make amends and with all celerity shall pay the fitting composition for the evil done to the relatives of the murdered man. And we forbid firmly, that the relatives of the murdered man shall dare in any way to continue their enmities on account of the evil done, or shall refuse to grant peace to him who asks it, but having given their pledges they shall receive the fitting composition and shall make a perpetual peace; moreover, the guilty one shall not delay to pay the composition. When, moreover, it shall have happened on account of sins that any one shall have killed his brethren or his neighbor, he shall immediately submit to the penance imposed upon him, and just as his bishop arranges for him, without any ambiguity; but by God's aid he shall desire to accomplish his atonement and he shall compound for the dead man in accordance with the law, and shall make peace in every way with his relatives; and the pledge being given, let no one dare thereafter to stir up enmity against him. But if any one shall have scorned to make the fitting composition, he shall be deprived of his property until we shall render our decision.

33. We prohibit in every way the crime of incest. But if any one shall have been contaminated by sinful fornication, he shall by no means be released without severe punishment, but for this he shall be corrected in such a manner that others shall fear to do likewise and that uncleanness shall be wholly removed from the Christian people, and that the guilty man shall fully atone for this by penance, just as his bishop shall arrange for him; and the woman shall be placed in the hands of her parents until we render our judgment. But if he shall have been unwilling to consent to the judgment of the bishops concerning his amend-

ment, then he shall be brought to our presence, mindful of the example which was made concerning the incest which Fricco perpetrated with the nun of God.

34. That all shall be fully and well prepared, whenever our order or proclamation shall come. But if any one shall then say that he was unprepared and shall have neglected our command, he shall be brought to the palace; and not only he, but also all who dare to transgress our ban or command.

35. That all shall wholly venerate their bishops and priests with all honor in the service and will of God. That they shall not dare to pollute themselves and others by incestuous nuptials; that they shall not presume to be married before the bishops and priests together with the elders of the people have inquired diligently into the consanguinity of those marrying; and then they shall be married with a benediction. Let them shun drunkenness, avoid greed, commit no theft; let them wholly shun strifes and contentions and blasphemies, both at feasts and assemblies, but let them live in charity and concord.

36. And that all shall be entirely of one mind with our *missi* in performing justice in every respect. And that they shall not permit the use of perjury at all, for it is necessary that this most evil crime shall be removed from the Christian people. But if any one after this shall have been proved a perjurer, let him know that he shall lose his right hand; and they shall be deprived of their property until we shall render our decision.

37. That those who shall have been guilty of patricide or fratricide, or who shall have killed a maternal or paternal uncle or any other relative, and shall have been unwilling to obey and consent to the judgment of the bishops, priests and other judges, our *missi* and counts, for the safety of their own souls and in order to bring about a just judgment, shall be kept in such custody that they may be safe and may not infect other people until they are led to our presence; and from their own property in the meantime they shall have nothing.

38. And let this likewise be done with those who have been seized in illegal and incestuous unions and corrected, and who are not willing to amend their ways nor to obey their bishops and priests, and who presume to despise our ban.

39. That in our forests no one shall dare to steal our game, which we have already many times forbidden to be done; and

now we again strictly forbid that any one shall do so in the future; just as each one desires to preserve the fidelity promised to us, so let him take heed to himself. But if any count or *centenarius* or our *bassus* or any one of our ministerials shall have stolen our game, he shall be brought to our presence without fail to render account. But if any one of the remaining people shall have stolen our game, let him without fail pay what is just; let no one hereafter be released from this on any account. But if any one knows that this has been done by another, let him not dare to conceal this, in order that he may preserve the fidelity which he has promised to us and which he now has to promise.

40. Lastly, therefore, we desire all our decrees to be known in our whole kingdom through our *missi* now sent out, either among the men of the church, bishops, abbots, priests, deacons, canons, all monks or nuns, so that each one in his ministry or profession may keep our ban or decree, or where it may be fitting to thank the citizens for their good will, or to furnish aid, or where there may be need still of correcting anything. Likewise also to the laymen and in all places everywhere, whether they concern the guardianship of the holy churches or of widows and orphans and the weaker; or the robbing of them; or the arrangements for the assembling of the army; or any other matters; how they are to be obedient to our precept and will, or how they observe our ban, or how each one strives in all things to keep himself in the holy service of God; so that all these good things may be well done to the praise of omnipotent God, and we may return thanks where it is fitting. But where we believe there is anything unpunished, we shall so strive to correct it with all our zeal and will that with God's aid we may bring it to correction, both for our own eternal glory and that of all our faithful. Likewise we desire all the above to be fruitfully known by our counts or *centenarii*, our ministerials.

DIVISION OF THE KINGDOMS. Feby. 6, 806.

Boretius, No. 45, pp. 126–130. Latin.

In the name of the Father and Son and Holy Ghost. Charles most serene Augustus, great and pacific Emperor crowned by God, governing the Roman Empire, and also by the mercy of God King of the Franks and Lombards, to all the faithful of the holy church of God and to our subjects present and future.

As we believe it is known to all of you and hidden from none of you how the divine clemency, by whose will earthly tendencies to decay are checked through successive generations, has of His great mercy and kindness richly endowed us by giving to us three sons, because through them in accordance with our vows and our hopes He has strengthened the kingdom and has made the chance of oblivion in the future less; accordingly we wish to make this known to you, namely, that we desire to have these our sons by the grace of God as associates in the kingdom granted to us by God as long as we live, and after our departure from this life we desire to have them as heirs of the empire preserved and protected by God and of our kingdom, if this is the will of the divine majesty. In order that we may not leave it to them in confusion and disorder or provoke strife and litigation by giving them the whole kingdom without division, we have caused to be described and designated the portion which each one of them ought to enjoy and rule; in this manner forsooth so that each one, content with his own portion in accordance with our ordination, may strive with the aid of God to defend the frontiers of his kingdom and preserve peace and charity with his brothers.

I. It has pleased us to divide the empire, preserved and protected by God, and our kingdom so that to our beloved son Louis we have assigned the whole of Aquitaine and Gascony, except the province of Tours, and whatever is beyond to the west and towards Spain and from the city Nevers, which is situated on the river Loire, with the province of Nevers, the province of Avallon and Auxois, Châlon, Mâcon, Lyons, Savoy, Maurienne, Tarantaise, Mont Cenis, the valley of Susa to the *Clusæ* and thence from the Italian mountains to the sea, these provinces with their cities and whatever is beyond these on the south and west as far as the sea or Spain, that is that portion of Burgundy and Provence and Septimania or Gothia.

2. To our beloved son Pippin Italy, which is also called Lombardy and Bavaria, just as Tassilo held it, with the exception of the two villas of Ingolstadt and Lauterhofen which we formerly gave to Tassilo as a benefice and which belong to the district which is called the Northgau, and from Alemannia the part which is on the south bank of the river Danube, and from the source of the Danube in a direct line as far as the river Rhine on the boundary of the districts of Klettgau and Hegau at the place which is called

Enge, and thence up the river Rhine to the Alps; whatever is within these limits and extending to the south or east together with the duchy of Chur and the canton of Thurgau.

3. To our beloved son Charles moreover we have granted all of our kingdom that is outside of these limits, that is France and Burgundy, except that part which we have given to Louis, and Alemannia, except the portion which we have assigned to Pippin, Austria and Neustria, Thüringen, Saxony, Friesland, and the part of Bavaria which is called the Northgau; so that Charles and Louis may be able to go into Italy to bear aid to their brother, if such a necessity should arise, Charles by the valley of the Aosta which is in his kingdom and Louis by the valley of the Susa; Pippin also has the means of ingress and exit by the Norican Alps and Chur.

4. Moreover we have arranged these dispositions in such a manner that if Charles, who is our eldest son, should die before his other brothers, the part of the kingdom which he held shall be divided between Pippin and Louis, just as formerly it was divided between us and our brother Karlmann, in such wise that Pippin may have that portion which our brother Karlmann had, and Louis may receive that part which we obtained in that apportionment.

But if during the lifetime of Charles and Louis, Pippin should pay the debt of nature, Charles and Louis shall divide between them the kingdom which he had, and this division shall be made in such a manner that from the entrance of Italy by the city of Aosta, Charles shall receive Ivrea, Vercelli, Pavia, and thence along the river Po, following its course to the territory of Reggio and Reggio itself, and Cittanuova and Modena up to the boundary of the territory of St. Peter. These cities with their suburbs and territories and the counties which belong to them, and whatever is beyond towards Rome on the left, from the kingdom which Pippin had, together with the duchy of Spoleto, let Charles receive this portion just as we have described it; but of the aforesaid kingdom whatever from the aforesaid cities or counties lies on the right as one goes towards Rome, that is, the portion which remains from the region beyond the Po, together with the duchy of Tuscany as far as the southern sea and Provence, Louis shall receive to increase his kingdom.

But if Louis shall die during the lifetime of the others, Pippin

shall receive that part of Burgundy which we have joined to the kingdom of Louis together with Provence and Septimania or Gothia, as far as Spain; and Charles shall receive Aquitaine and Gascony.

5. But if a son shall have been born to any one of these three brothers, whom the people wishes to elect so that he may succeed his father in his kingdom, we wish that the uncles of the boy shall consent to this and shall permit the son of their brother to rule in the portion of the kingdom which his father, their brother, held.

6. After this disposition by our authority it has pleased us to decree and command in the case of our aforesaid sons, for the sake of the peace which we desire to be perpetual among them, that no one of them shall presume to invade the frontiers or boundaries of his brother's kingdom, or fraudulently enter to disturb his kingdom or diminish his territory, but each of them shall help his brother and shall bear aid to him against his enemies, either within the country or against foreign nations, so far as the occasion may demand and he may be able.

7. Nor shall any one of them receive a vassal of his brother, who may flee to him for any cause or crime whatsoever, nor shall he intercede for that one, because we will that any man who sins and needs intercession shall flee either to the sacred places or to honorable men within the kingdom of his lord, and thence shall merit a just intercession.

8. Likewise we command that if any free man shall have deserted his lord against the will of the latter and shall have gone from one kingdom into another, neither shall the king himself receive such a man nor consent to his vassals receiving the man or daring unjustly to retain him.

9. Wherefore it seems fitting to us to command that after our departure from this life the vassals of each one of them shall receive benefices only in the kingdom of his lord and not in the kingdom of another, lest perchance if it should be otherwise some trouble might arise. But each one of their vassals shall have, without contradiction, any inheritance that may fall to him in whatsoever kingdom he may happen to have it lawfully.

10. And each free man, after the death of his lord, shall be allowed to commend himself within these three kingdoms to whomsoever he shall have chosen; likewise, also, he who has not yet commended himself to any one.

11. Concerning cessions and sales, such as are wont to be made, we command that no one of these three brothers shall acquire, by cession or purchase from any individual, real estate in the kingdom of another, that is, land, vineyards, forests, and serfs of the glebe or other things comprised under the name of inheritable property, except gold, silver, jewels, arms, clothing, serfs not bound to the soil, and such things as are recognized to be properly negotiable. But we have decided that this should not be interdicted at all to other free men.

12. If, moreover, women, as is wont to happen, shall be sought in legitimate marriage by men from another kingdom, their just demands shall not be denied, but they shall be allowed both to give and receive the women, and to bind the peoples together by ties of relationship. And the women themselves shall keep possession of their property in the kingdom from which they had gone, although they ought to live in another for the sake of their husband's society.

13. Concerning the hostages who have been given as pledges and who have been sent by us to different places to be guarded, we will that that king in whose kingdom they are shall not permit them to return to their native country without the consent of his brother from whose kingdom they have been taken, but, on the other hand, in the future each shall mutually aid the other in receiving hostages, if one brother shall have made a reasonable request of another; also we order the same concerning those who have been sent into exile for their crimes or who shall be sent.

14. If such a strife or contention or controversy as to boundaries or limits of the kingdoms shall have arisen between the divisions, that it cannot be settled or ended by the evidence of men, then we will that, in order to settle the doubtful question, the will of God and the truth of the matter shall be sought by the ordeal of the cross, and such a contention shall never be judged by a duel of any kind or a judicial combat. If, indeed, any vassal from one kingdom, in the presence of his lord, shall have accused a vassal from another kingdom of infidelity against the brother of his lord, let his lord send him to the brother so that he may there prove what he has said concerning the vassal of the latter.

15. Above all, moreover, we order and command that the three brothers in person shall undertake in common the care and defense of the church of St. Peter, just as it was done formerly by

our grandfather, Charles, and by our father, king Pippin, of blessed memory, and afterwards by us, so that with the aid of God they may strive to defend it against its enemies and may cause it to have its just dues, as far as shall be in their power and as reason shall demand. Likewise, also, concerning the other churches which shall be under their power, we command that these shall have their just dues and honor, and the pastors and rectors of venerable places shall have power over the property which pertains to the holy places themselves in whichsoever of those three kingdoms the possessions of those churches shall be.

16. But if there shall have been any infringement upon these statutes and conventions by any accident or through ignorance, and we hope this will not be the case, we command that they shall strive as quickly as possible to remedy the matter in accordance with justice, lest perchance by the delay a greater evil may arise.

17. Concerning our daughters, moreover, the sisters of our aforesaid sons, we order that after our departure from this world each one shall be allowed to choose the brother under whose guardianship and protection she wishes to be. And if any one of them shall have chosen a monastic life, she shall be allowed to live in honor under the protection of her brother in whose kingdom she has wished to live. Moreover, if any one of them shall have been sought in marriage justly and reasonably by a worthy man, and the married state shall have been pleasing to her, she shall not be refused by her brothers, if the intentions of the man who demands and of the woman who consents shall be honorable and reasonable.

18. Concerning our grandsons, the sons of our aforesaid sons, already born or who shall be born hereafter, it has pleased us to command that no one of our sons, for any reasons whatsoever, shall cause any one of the grandsons who has been accused before him to be put to death or mutilated or blinded or forcibly shaved without a just trial and examination; but we will that they shall be honored by their fathers and uncles, and shall be obedient to these in all subjection, as is fitting in the case of such relationship.

19. In the last place, it seems to us that this ought to be commanded so that any decrees or constitutions which may be profitable and useful to them, which we may wish to add in the future to these our decrees and precepts, shall be observed and obeyed

by our beloved sons aforesaid, just as we have commanded that these decrees and prescriptions shall be obeyed and observed.

20. Moreover, all of these things, which we have so arranged and set forth in order, we have so decreed, that so long as it may please the divine majesty to preserve our life, our power shall be the same over the kingdom preserved by God and over that empire as it has been up to this time in all our royal and imperial rule and ordination and domination, and so that we may enjoy the obedience of our beloved sons aforesaid and of our peoples beloved by God, with all the submission which is due to a father from his sons, and to an emperor and king from his peoples. Amen.